

PREPARED BY THE COURT

RACHEL CANNING,

Plaintiff,

vs.

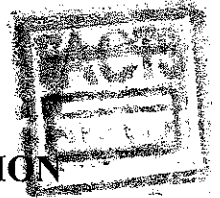
SEAN CANNING
AND ELIZABETH CANNING,

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) CHANCERY DIVISION, FAMILY PART
) COUNTY OF MORRIS
) Docket No. FD-14-397-14

)
) Civil Action

)
) **ORDER DENYING APPLICATION**
) **FOR ORDER TO SHOW CAUSE**



THIS MATTER having been opened to the Court on an application by the Plaintiff for an Order to Show Cause, dated 24th of February, 2014, and counsel for the parties, Tanya N. Helfand for the Plaintiff and Laurie Rush-Masuret for the Defendants, having teleconferenced the matter with the Court,

IT IS on this 26th day of February, 2014;

ORDERED that the parties and their counsel shall appear before the Court on the 4th of March, 2014, at 9:30 a.m., at which time the Defendants shall produce their 2011 and 2012 tax returns, and their last three pay stubs, along with all documents evidencing additional income received by the parties; it is further

ORDERED that the Defendants shall produce statements regarding any educational funds they have maintained or established for the benefit of their daughter, Rachel Canning; it is further

ORDERED that on the return date of 4th of March, 2014, the Court will address issues relating to the Morris Catholic tuition, the status of college applications, the deadlines in place for financial aid applications and other related fees. The Court shall also establish a firm schedule for the exchange of information between the parties and submissions to the Court, along with a final hearing date, with respect to all outstanding issues.

HON. PETER A. BOGAARD, J.S.C.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY: Morris

Rachel Canning

Plaintiff

DOCKET NO.: FD - 14-397-14

CS NO: 91009044A

vs.

Sean Canning and Elizabeth Canning, jointly and severally

Defendants

CIVIL ACTION

EMERGENT APPLICATION

(Order to Show Cause)

FILED
SUPERIOR COURT
OF NEW JERSEY

FEB 24 2014

Rachel Canning
DEPUTY CLERK

Attach to Initial Complaint When Filing for an Order to Show Cause:

- This application is an emergency, which cannot be handled through the normal court procedures because:
 - Threats have been made to remove the child(ren) from the State of New Jersey which would violate the NJ Anti-removal statute, N.J.S.A. 9:2-2.
 - Without my consent or approval, the child(ren) were removed/abducted on _____ from the State of New Jersey in violation of my parental rights and New Jersey law.
 - The child(ren) were not returned after a parenting time period.
 - The child(ren) will suffer substantial and irreparable harm unless the defendant plaintiff is immediately:
 - Restrained from taking the child(ren) from my custody and removing them from their current home in New Jersey.
 - Required to return the child(ren) to me.
 - Other. Explain.

Ordered to pay child support, private school, medical and related bills, college expenses and legal fees. Child, currently in private high school, parents abandoned her in the middle of the school year and refused to pay for her support or tuition. She has been admitted into several colleges. Deadlines to accept are imminent. Parents who have college funds and substantial income (\$250,000 to \$300,000) refuse to pay. Father, retired Chief of Police and current business administrator, has two six figure incomes from the government. Mother is legal secretary at McElroy, Deutsch. Parents' actions are arbitrary and malicious. The child is unemancipated.

Other Information required for Emergent Application.

- There is no other person who is a party to this matter that has physical custody of the child(ren) or claims to have custody or parenting time rights.
- Other person(s) who is/are party/parties in this matter having physical custody of the child(ren) or claiming to have custody or parenting time rights include:

Names and Addresses:

A complaint/application for support parenting time custody has been filed on this date simultaneously with this emergent application since there is no existing court order involving the plaintiff, the defendant and the status of the child(ren) in this State or any other jurisdiction.

If my request is not granted, I believe that I and/or the child(ren) will suffer immediate and irreparable harm (damage that cannot be corrected, compensated or undone) as follows:

Plaintiff will not be able to accept and attend college in a timely fashion. She is an excellent student, and there are college funds available for her education, continued maintenance, room and board. Her parents have wrongfully abandoned her financially and are abusive, making it impossible for Plaintiff to return home.

I/We certify that **all** the statements made above are true. I am aware that if **any** of the statements made by me/us are willfully false, I/we am subject to punishment.

2/20/14
Date

Rachel Cameron
Signature
 Plaintiff Defendant
 Plaintiff / Cross Applicant Defendant / Cross Applicant

Date

Signature
 Co-Plaintiff Co-Defendant
 Co-Plaintiff / Co-Cross Applicant Co-Defendant / Co-Cross Applicant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY: MORRIS

Rachel Canning
Plaintiff

vs.

Sean Canning and Elizabeth Canning
Defendant

DOCKET NO.: FD - 14-397-14

FILED NO: 91009544A
SUPERIOR COURT
OF NEW JERSEY

CIVIL ACTION

Verified Complaint or
Counterclaim

FEB 24 2014

Rachael M. Melton - Bay
DEPUTY CLERK

I, Rachel Canning by way of verified complaint/counterclaim, I certify the following:

1. I am the Plaintiff Defendant in the above-captioned matter.

2. Plaintiff resides at: Address: C/O John and Amy Inglesino; 3 Woodsend Trail
City/Town Rockaway
County Morris State NJ Zip Code 07866

Defendant resides at: Address: 10 Garden Street
City/Town Lincoln Park
County Morris State NJ Zip Code 07035

3. The child(ren) pertaining to this complaint are:

Name	Date of Birth	M/F	Residing at	Residing with (relationship)
<u>Rachel Canning (ADULT)</u>	<u>11/01/1995</u>	<u>F</u>	<u>3 Woodsend Trail, Rockaway, NJ 07866</u>	<u>Foster Parents</u>

4. Other interested parties' name(s) and address(es):

I have been previously been involved in the following family court actions with regard to any of the parties or children listed above. (If yes, give the title of case and docket number.)

Yes No

Title of Case (_____ vs. _____)

Docket Number

- a. _____
- b. _____
- c. _____

5. A Child Protection Agency (i.e. the Division of Youth and Family Services) (or a similar agency in another State) has been involved with the child(ren) or listed parties.

Yes No

6. This is an active public assistance case governed by 41 U.S.C.A. 602 (A) (26), N.J.S.A. 44: 10-1.1, et seq.

Yes No

7. I seek the following for the child(ren) named on page 1:

- Establish Paternity Establish Maternity
- Custody
 - Joint Legal Custody Sole Legal Custody Physical Custody

Support Order: I am seeking the establishment of a court order against the person who is the spouse/civil union or domestic partner and/or parent of the persons listed on page 1 and has a legal duty to support same pursuant to N.J.S.A. 9:17-38 et seq. Chapter 92. The law requires that child support provisions of court orders shall be enforced by immediate income withholding upon the obligor's current or future income due from an employer or future employer, unemployment compensation or income from any source unless the obligor and obligee agree, in writing to an alternative arrangement or either party demonstrates and the court finds good cause for establishing an alternative arrangement (N.J.S.A. 2A: 17-56.9). For the reason(s) checked below, the defendant is under a legal duty to support and maintain the person(s) mentioned on page 1 of this complaint:

- Plaintiff/Defendant is my lawful wife/husband/domestic partner/civil union partner
- Plaintiff/Defendant is the biological mother/father of the child(ren) named on page 1

Reason for seeking custody and/or support:

Declaration of non-emanicipation of child over eighteen because she is unable to support herself and is in high school full time. She requires child support, continued payment of tuition in her current high school, Morris Catholic, medical expenses, funds for college tuition and expenses, legal fees. Her parents abandoned her at age 18 leaving her essentially on welfare despite their significant ability to pay. Father retired police chief & business administrator estimated income \$250K; mother, legal secretary, \$60K.

- Establish court ordered parenting time arrangements:
 - Parenting Time Grandparent Time Sibling Time

Reasons for requesting court ordered parenting time arrangements:

- Medical Coverage Requested:
 - Health Benefits for myself
 - Health Benefits for the child(ren) named in this complaint.

Other Relief Requested. Explain the relief being sought. Use additional information sheet, if necessary.

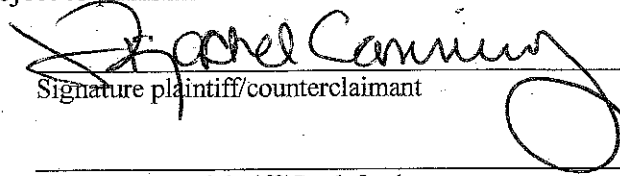
For Defendants to pay Plaintiff/Rachel Canning's outstanding private school tuition at Morris Catholic High School; for Defendants to pay child support, college admission expenses, college tuition, room and board; for Defendants to pay legal fees for this action.

Required Attachments:

- A Certificate of Parentage is attached (if available)
- Certification to Establish Paternity attached (when seeking establishment of paternity)

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

2/21/14
Date


Signature plaintiff/counterclaimant

Date

Signature Co-plaintiff/Co-defendant

Court Appearance Information

Your appearance is mandatory. You may bring an attorney, although an attorney is not required. If you require assistance in selecting an attorney, you may contact your County Bar Association. If you cannot afford an attorney, you may contact Legal Services of New Jersey at www.lsnj.org. You may file a written response by certification opposing this complaint/cross complaint. Any written response you send to the Court must be sent to the other party. Your written response must be filed with the court and served on the other party at least **15 DAYS PRIOR** to the hearing date. If you fail to appear at the hearing, an Order granting the relief requested by the filing party may be granted although your written response, if filed, will be considered. If you are the filer of this complaint you may file a certification in support of your complaint which shall not exceed **fifteen (15)** pages. If you are the person served with this complaint/cross complaint, you may file a certification in opposition or a certification in support of a cross complaint which shall not exceed **twenty-five (25)** pages. Any further written responses to the above filed certifications shall not exceed **ten (10)** pages. Forms are available at njcourts.com

Additional Information Sheet

Use this sheet to state what you want the court and other party to know, if necessary

Attach to Complaint

Full Name: Rachel Canning v. Sean Canning & Elizabeth Canning

Date: _____

****PLEASE SEE ATTACHED CERTIFICATION OF PLAINTIFF****

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Date

Signature Plaintiff/Counterclaimant

FEB 24 2014

Rachel M. Kelly
DEPUTY CLERK

HELFAND & ASSOCIATES
575 Route 10 East; Ste. 1
Whippany, New Jersey 07981
Phone No.: (973) 428 - 0800
Attorneys for the Plaintiff

<p>RACHEL CANNING, Plaintiff, vs. SEAN CANNING and ELIZABETH CANNING, jointly and severally, Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION – FAMILY PART MORRIS COUNTY DOCKET NO.: FD <u>CIVIL ACTION</u> CERTIFICATION OF RACHEL CANNING</p>
--	--

I, Rachel Canning, of full age, duly certify as follows:

1. I am the Plaintiff in the above-captioned matter and I make this Certification in support of my Motion to be declared unemancipated, for enforcement of litigant's rights, transportation costs, child support, health coverage, educational costs, college costs, and legal fees.
2. I was born November 1, 1995. I have two sisters: Danielle Canning, born April 13, 1998, and Shayna Canning, born January 22, 2000.
3. I am currently a full-time student at Morris Catholic High School. I have attended Morris Catholic since 2010 as a freshman, and expect to graduate this June. My GPA for this year is 3.5; cumulative it is 3.4464 (**Exhibit A**).
4. I lived at my parents' house until October 29, 2013.
5. My father, Sean Canning, left the house during the summer in approximately mid-July. There was ongoing discord between my parents. They reunited after I left the house, and jointly decided to cut me off from all support both financially and emotionally. My school advised me not to return home and contacted DCP

&P after hearing and observing their abusive conduct toward me. My parents have rationalized their actions by blaming me for not following their rules. They stopped paying my high school tuition to punish the school and me, and have redirected my college fund indicating their refusal to afford me an education as a punishment (**Exhibit B**). They signed a contract with Morris Catholic to pay the 2014 tuition, but reneged in the middle of the year. (**Exhibit C**). I am a very good student. I have no drug problems. I am a good athlete. I work at a job outside of school – see CIS attached with recent pay stubs. I also attach the other tuition and payment documents from Morris Catholic for this year (**Exhibit D**).

6. I have been subjected to severe and excessive verbal and physical abuse by my mother and father. As I grew up, my mother was always demeaning towards me. She called me “fat” and “porky”. My father demanded that I get a basketball scholarship. My father spent a lot of time with me on weekends while I was in basketball tournaments. My mother seemed angry about this. He forbade me to have a boyfriend when I was a high school freshman, and threatened to beat him up. In my sophomore year, I developed an eating disorder and my weight dropped to 105 pounds. In my junior year, I was down to 92 pounds. My mother kept screaming at me, saying I was mentally messed up. My father was angry that I wasn’t going to be able to play basketball because I needed to gain weight. During my parents’ separation, my father said that if it went to a divorce he was going to say that my mother was mentally abusive to me. My father gave me a sense that he was inappropriately affectionate with me. He mentioned frequently that my relationship in his eyes was not one of a daughter, but more than that. In the summer before my senior year he got me drunk at a wedding and said I was

his date. He kept giving me shots and mango martinis. I blacked out that night and woke up at the toilet bowl in our room and he was passed out on the bed. He constantly put his arm around me in public and would kiss me on the cheek. When we moved out of Hackettstown, he once woke me up at 2:00 a.m. to come downstairs to drink and play beer pong with him. The refrigerator was always about 75% full of liquor.

7. There was an incident where I was accused of being intoxicated at my high school's Homecoming dance. I was found not to be intoxicated. To be readmitted to the dance, I was required to call my mother in the presence of Kathleen Smith, a teacher at Morris Catholic High School. My mother, who was in Las Vegas for the week with my father, first hung up. My parents, in fact, left me alone and in charge of my two little sisters for the week of my Homecoming. When I called my parents back again, she and my father were screaming obscenities at me. The teacher heard it on the speaker phone. It was obvious gross parental misconduct (**Exhibit E**). DCP & P was called by my school when I complained of my parent's behavior. My parents, to retaliate, refused to pay my high school tuition and have continued to do so, as well as cutting me off financially. As indicated above, they are using my college funds elsewhere.
8. The school contacted DCP&P because of their concerns about my safety and welfare. My parents have accused me of calling DCP&P and when I earlier asked to return home they refused (**Exhibit F**).
9. I have a very nice boyfriend who is also a student at Morris Catholic, Lucas Kitzmiller. Mrs. Kitzmiller, Lucas' mother, has also witnessed my parents' verbal abuse towards me and my friends (see attached certification, **Exhibit F1**).

10. My therapist indicates that I should not return home (**Exhibit G**). I do not believe it is a viable option. I am not willingly and voluntarily leaving a reasonable situation at home to make my own decisions. I had to leave to end the abuse. My parents simply will not help me any longer. They want nothing to do with me and refuse to even help me financially outside the home although they certainly have the ability to do so, as indicated below in #12. My friend's parents, the Inglesino's, have kindly and generously taken me into their home.
11. The actions of my parents make it unsafe for me to return home. The actual obscenities they call me and the hostility towards me was confirmed by my teacher.
12. The peer ministers at Morris Catholic have decided to raise funds to pay my tuition so I don't have to leave early. I have been a full time student and have excellent grades, as indicated above. My school should not have to give me charity. I believe my parents together earn between \$250,000 and \$300,000 per year. **My father is a retired Chief of Police in Lincoln Park. He receives, I believe, a lifetime pension and health benefits from the State of New Jersey. He is also the current business administrator for the Township of Mount Olive, receiving taxpayer dollars for his employment.** He also owns a consulting company, Blue Shield Consulting (**Exhibit H**). My mother is a legal secretary at McElroy, Deutsch, Mulvaney & Carpenter. I believe she earns about \$60,000 per year.
13. In addition to being a full-time student, I work part-time as a hostess at TGI Friday's. I have worked there since just after Thanksgiving. Before that I worked at American Eagle and Aerie. I paid for my own car, uniforms, etc. as required by

my parents (**Exhibit I**). My CIS is also included with this application. Although I made the payments on my vehicle, they still took it away when I was thrown out of my house.

14. I have been living at the home of the Inglesino's since November, who are the parents of my classmate and friend. They have provided me with shelter and guidance for the past four months. Without this help, I would be homeless and on welfare until I go away to school. My parents should pay child support to the Inglesino's. The Child Support Guidelines, if my parents earn \$300,000 per year, is \$654 per week (**Exhibit J**).
15. The Inglesino's have advanced the initial legal fees for me to take this action.
16. I am receiving nothing from my parents. I believe I still have health insurance, which should continue.
17. I am unable to support myself and provide for my food, shelter, clothing, transportation and education. I am applying to several colleges. I attach a list of the colleges I applied to, and the costs for these schools (**Exhibit K**). I investigated financial aid but am unsure how to proceed due to the circumstances at this time. I have some acceptance letters, but will not know all of the admissions until March or April, 2014 (**Exhibit L**) and **there are FAFSA deadlines for March 15, 2014**. I made this application myself initially to avoid missing the deadline, but it must include help from my parents (**Exhibit M**). The deadline for the deposit is typically May 1, 2014 (**Exhibit N**). My first choice school is University of Delaware. I am waiting for their notice. My second choice is University of Vermont, where I was admitted (**Exhibit L**). It is a complicated process, made more complicated by my parents' refusal to

- participate. I expect to live away at the college I go to and will need the room and board expenses to be paid. I hope to become a biomedical engineer. I love science and engineering.
18. I have suffered from Bulimia and this time in my life, being abandoned by my family, has been extremely upsetting. I want to continue obtaining help from a therapist as well. I require the insurance and co-pays for this. My therapist attached her outstanding bill to her Certification, Exhibit G.
 19. My parents had a college fund for me, which as they indicated (in Exhibit B) will not be used for my education despite my good grades and expectation while I lived with them that I would attend college. My father not only went to college, but has a Master's Degree that I believe was paid for by his employer, a government entity. This is in his profile. I am afraid to take student loans for large sums despite my ability, as I do not want to be in extreme debt.
 20. Mr. Inglesino and my attorney attempted to resolve these issues by consent (**Exhibit O**) without the need for litigation and expense. However, my parents have asserted through counsel that because I am 18, they have no responsibility for me (**Exhibit P**).
 21. I have prepared to go to college. I have to give answers to the colleges **immediately**. I also have to have a roof over my head and the ability to buy food. If the Inglesino's did not take me in, I would essentially be on welfare even though my parents earn about \$300,000 per year. I ask the Court find me unemancipated and to order my parents to provide proper health insurance, support and tuition as well as the necessary psychological support, while I am a full-time student until I graduate from college.

22. I also ask the Court to order my parents to reimburse the Inglesino's for my legal fees. A Certification of Services is attached separately. They refused to settle by consent and are causing this litigation.
23. I am not yet prepared with a vocation or skills to be financially independent. I also am suffering psychologically and require assistance with this experience. I am dependent upon the assistance given to me by the Inglesino's. My parents indicate that they did not ask them to do this and thus owe them nothing.
24. My parents should be required to provide for my support and education in a reasonable fashion and until I can stand on my own two feet. In order to do this I have had to take this legal action. Without the Inglesino's assistance, I could not have made this application as I had no funds to ask the Court for enforcement.
(Exhibit Q – Certification of John Inglesino).

