

VIRGINIA;

Supreme Court of Virginia

Kristin L. Burns)	
<i>Plaintiff</i>)	
)	
v.)	Petition for Review of
)	Cases 2011-06251, MI-2018-666,
Kenneth W. Sullivan)	and Related Cases; Following
<i>Defendant</i>)	Court of Appeals 9/28/18
)	Denial to Accept a Petition for
FCPS ¹)	Review by Three Judges -
Fairfax County (CPS ² , FCPD ³ , FCSO, ⁴)	10/17/18 Required Amendment
Commonwealth Attorney) ⁵)	
Reston Pediatric Associates)	
G&G Integrated Therapies)	
<i>Third Party Defendants</i>)	
(Rule 3:13))	

Petition for Review of Cases 2011-06251, MI-2018-666, and Related Cases;
Following Court of Appeals 9/28/18 Denial to Accept a Petition for
Review of Related Circuit Court 3/27/18 and 8/31/18 Orders – 10/17/18 Required
Amendment

¹ Fairfax County Public Schools

² Fairfax County Child Protective Services

³ Fairfax County Police Department

⁴ Fairfax County Sheriff's Office

⁵ Fairfax County Commonwealth Attorney

10/17/18 Required Amendment

I, the plaintiff in Case 2011-06251, and the defendant in Case MI-2018-666, Kristin Lynn Burns; here petition the Supreme Court of Virginia for a review of related civil case 2011-06251 and criminal misdemeanor appeal MI-2018-666.

Code 8.01-626 provides for a justice to “take such action thereon as he considers appropriate under the circumstances of the case”. I am asking a justice to enter a protective and restorative injunction in the civil legal separation and custody proceeding; and related cases, which include numerous criminal misdemeanor charges brought against me by FCPD. All of the cases arise from my unsuccessful attempt, beginning with a 4/28/11 Complaint for Separate Maintenance, to protect myself and my children from domestic and family violence.

The Court of Appeals of Virginia denied acceptance of a petition for review in an 8/31/18 Denial, and subsequently denied a request for a three judge reconsideration of that denial on 9/28/18. In accordance with code 8.01-626 for denied injunctions in the two related cases; this petition for review was submitted to the Supreme Court of Virginia within 15 days of the denial by three judges of the Court of Appeals.

Assignments of Error Related to the Court of Appeals Denial

1. The Court of Appeals did not recognize that a petition for review under code 8.01-626 is a civil action under section 8.01 for Civil Remedies and Procedure; and that the tolling provisions for the statute of limitations of code 8.01-229(K) apply to a petition for review.
2. The Court of Appeals did not recognize that my intent in asking for a review of the criminal case was to review the circuit court's denial of an injunction in that case, and not the nolle prosequi of the criminal case.

Assignments of Error Related to the Local Fairfax County Court

3. On the assumption that my children's father has not committed acts of violence against me or my children, and the assumption that county agencies have not violated Virginia laws or caused further injuries to me or my children; the court has suspended my fundamental parental rights without just cause required by code 16.1-283(E), and enjoined me from petitioning the courts without just cause required by code 20-124.2(E).
4. My statutory and constitutional rights⁶ as a victim and witness to crimes have not been upheld by local law enforcement or the Commonwealth attorney. That failure should encourage, and not prevent, the local courts from providing protection and restitution via an appropriate protective order.

Required Statements

- a) Substantial constitutional questions are determinative issues in this appeal:

As a victim of domestic and community violence, and a witness to violence against my children; the local trial courts have, without just cause, taken my constitutional right to own property;⁷ my right to raise, care for, and educate my own biological children;⁸ my ability to freely petition the district court for remedy of the circumstances for me or my children;⁹ my and my children's

⁶ Code 19.2-11.01 and Article I Section 8A.

⁷ Virginia Constitution Article 1 Sections 1 and 11

⁸ Virginia Constitution Article 1 Sections 1 and 11, L.F./Mason v. Breit pages 19-21

⁹ Virginia Constitution Article 1 Section 12

right to protection and restitution as victims and witnesses to crimes;¹⁰ and my right to call evidence in my favor in criminal proceedings against me.¹¹ Constitutional rights are intended to provide for safe and secure families and communities for all of us in our state:

“Article I. Bill of Rights, Section 1. Equality and rights of men:

That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

There is a compelling state interest in holding people, whether individuals or members of private or public agencies, accountable to refrain from violence and the commission of crimes in our families and communities. There is no compelling state interest in depriving me and my children of constitutional rights because we are victims of family and community violence.¹²

b) Matters of significant precedential value are also at issue in this request for review by the Supreme Court of Virginia:

While the local courts have upheld significant losses to my and my children’s constitutional and statutory rights for more than seven years now; it is important that the Supreme Court of Virginia recognize that these types of decisions by the local courts have become common.

¹⁰ Virginia Constitution Article 1 Sections 1 and 8-A

¹¹ Virginia Constitution Article 1 Section 8

¹² Fairfax County defines domestic violence on their Web site: “Domestic violence is typically a pattern of coercive behaviors used by an individual to gain or maintain power and control over another individual in the context of an intimate, dating, or familial relationship. Forms of domestic violence may be criminal (e.g. physical assault or stalking) or not (e.g. verbal abuse or financial control).” This definition of violence is also useful in recognizing family and community violence. Reference: <http://www.fairfaxcounty.gov/domesticviolence/>

When constitutional and statutory protective rights are infringed on with government agency involvement, the court is compelled to intervene on behalf of citizen rights,¹³ particularly those of minor children.

Provision of the injunction I am asking for by the Supreme Court of Virginia would set a meaningful precedent for the district courts and community agencies; provide a measure of equity for me and my family; and prevent similar harm to other victims and witnesses of violence in our community.

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1. 4/28/11 Complaint for Separate Maintenance, civil case.
2. 2/10/14 Pre-Filing Injunction Order, civil case.
3. 1/14/18 Misdemeanor Charge and Recognizance, criminal case in general district court.
4. 1/31/18 Local Criminal History Check
5. 2/23/18 Letter to Designated and Chief Judges, which included the 1/31/18 Local Criminal History Check with the required notarized affidavit.
6. 3/27/18 Order, denying my request to ask for a protective order in the civil case.
7. 4/26/18 Guilty Verdict “in my absence” in general district court.
8. 4/26/18 Notice of Appeal – Criminal, appealing conviction of criminal charge to circuit court.

¹³ In the opinion by Justice Brennan in *Bivens v. Six Unnamed Agents*, it is provided that “where federally protected rights have been invaded it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief” based on the understanding that “An agent acting—albeit unconstitutionally—in the name of the U.S. possesses far greater capacity for harm than an individual trespasser exercising no authority other than his own.” While that case involved federal agents, the premise remains that “in such cases there is no safety for the citizen, except the protection of the judicial tribunals, for rights which have been invaded by the officers of the government...” While that case relates to unlawful search and seizure; this case relates to fundamental parental rights guaranteed by both state and federal laws, particularly in reference to *LF./Mason v. Breit*, Section III.C.

9. 6/4/18 Order, giving me permission to file motions in the criminal case.
10. 7/6/18 Defendant's Petition to Waive Bond, Dismiss Charge, Overturn Prior Conviction, and Request an Ex Parte Protective Order in criminal case, with some additional attachments.
 - A. See item 2.
 - B. See item 9.
 - C. See item 7.
 - D. See item 8.
 - E. 9/29/14 Letter from Prior Chief Judge documenting designation of a judge to cases related my children's custody.
 - F. See item 4.
 - G. See item 1.
 - H. See item 3.
 - I. 6/25/18 CitePayUSA Receipt, with outstanding court costs related to a prior criminal case as of that date.
 - J. A Guide for Mandated Reporters in Recognizing and Reporting Child Abuse in Neglect, with relevant portions of the guide published on the web.
 - K. See item 14.F.
11. 7/17/18 Order, denying, among other requests, permission to request a protective order from circuit court in the criminal case.
12. 8/14/18 Final Order, nolle prosequi of the criminal misdemeanor charge.
13. 8/15/18 Local Criminal History Check, updated
14. 8/24/18 Defendant's Petition for a Reconsideration of 7/13/18, 7/20/18, 8/3/18 and 8/14/18 Decisions to Deny Her Request to Ask the Circuit Court for an Ex Parte Protective Order in the criminal proceeding+, with attachments:
 - A. 8/14/18 Final Order, nolle prosequi of criminal misdemeanor.
 - B. 4/28/11 Complaint for Separate Maintenance, civil case.
 - C. 8/15/17 Local Criminal History Check.
 - D. 2/10/14 Pre-Filing Injunction Order, civil case.
 - E. 1/31/18 Local Criminal History Check.
 - F. Summary of Expert Opinion from the Published Opinion of Nicholson v. Williams.
15. 8/27/18 Petition for Extension of 15-Day Timeframe to Submit a Petition for Review of an 8/14/18 Final Order in Case MI-2018-666 and a 3/17/18 Order in

Related Case 2011-06251, submitted to Court of Appeals of Virginia, with attachments:

- A. 8/14/18 Final Order, nolle prosequi of the most recent misdemeanor criminal charge.
 - B. 3/27/18 Order, denying my motion for leave to file for custody in the civil proceedings.
 - C. 6/4/18 Order, providing permission to motion the circuit court in the criminal proceedings.
16. 8/31/18 Order, circuit court's denial of a reconsideration of multiple decisions to deny my request to ask for a protective order in the criminal case.
17. 8/31/18 Denial of Motion for Extension of Time to file a Petition for Review Pursuant to Code 8.01-626, Court of Appeals of Virginia denial of a petition for review of the related cases.
18. 9/11/18 Letter to Designated Judge Poston and Chief Judge White in the primary civil case, providing documentation and disposition of the related criminal case in circuit court.
19. 9/28/18 Order denying a 9/14/18 Motion for a Three Judge Review of the 8/31/18 Denial by the Court of Appeals of Virginia.

Table of Authorities

- I. L.F./Mason v. Breit, Supreme Court of Virginia record 120158/9 January 10, 2013: <http://caselaw.findlaw.com/va-supreme-court/1620224.html>
- II. Nicholson v. Williams, U.S. District Court, Eastern District of New York, 00-CV-2229, March 11, 2002, (Item 14.F provides the Summary of Expert Opinion in this similar case), Item 14.F in Table of Contents: http://scholar.google.com/scholar_case?case=166983526390851112&hl=en&as_sdt=6&as_vis=1&oi=scholar
- III. Bivens v. Six Unnamed Agents, 403 US 388 (1971): <https://supreme.justia.com/cases/federal/us/403/388/case.html>
- IV. A Guide for Mandated Reporters in Recognizing and Reporting Child Abuse and Neglect, Commonwealth of Virginia, Department of Social Services, Child Protective Services, Item 10.J in Table of Contents: https://www.dss.virginia.gov/files/division/dfs/cps/intro_page/publications/general/B032-02-0280-00-eng.pdf

Nature of the Case

These cases represents the heartbreaking response of Fairfax County agencies and local courts to my unsuccessful attempt to protect myself and my children from domestic and family violence in our home.¹⁴ A 4/28/11 Complaint for Separate Maintenance, Item 1, initiated these cases in the legal system.

The responses of Fairfax County agencies¹⁵ resulted in a sole custody award of my children to their father on 11/3/11. My children and I were only able to see each other in person for about 40 hours between that sole custody award, and the first hearing on 12/17/13 with a judge designated to the case in August of 2013.¹⁶ My children and I have not been able to spend any time together in person since that hearing; and I was enjoined from petitioning the court without judicial approval with entry of a 2/10/14 Pre-Filing Injunction Order. I was further ordered not to

¹⁴ Reference 7/6/18 Defendant's Petition for a Temporary Protective Order, pages 8-9 footnote 2, for some specific examples of the domestic and family violence committed against me and my children that prompted me to initiate this case.

¹⁵ Reference 7/6/18 Defendant's Petition for a Temporary Protective Order, pages 8-18, for detrimental actions taken by FCPS, CPS, FCPD, FCSO, and the Commonwealth attorney.

¹⁶ Reference 7/6/18 Defendant's Petition for a Temporary Protective Order, pages 4-5 and attached 9/29/14 Letter, regarding designation of a judge.

have any contact with my children on 9/29/14, and not to have any information about my children on 6/16/16.

I have suffered through about a dozen criminal misdemeanor charges brought against me by FCPD. While I have only suffered one conviction as a result of those unwarranted arrests and incarcerations¹⁷, I have suffered injuries as a result of them, including physical injuries on multiple occasions¹⁸.

My children's physical and mental injuries have been consistent with those of chronically abused and neglected children in the sole custody of their father.¹⁹

Although I have submitted about 65 sworn affidavits to the designated judge that have supported a protective order on my and my children's behalf over the years, I have not once been given permission to even petition for custody of my own children since entry of the 2/10/14 Pre-Filing Injunction Order.

¹⁷ Reference 8/15/18 Local Criminal History Check.

¹⁸ Reference 7/6/18 Defendant's Petition for a Temporary Protective Order, pages 15-16 footnote 5 for some specific financial, emotional, and physical injuries I have sustained by FCPD and FCSO. Reference also 8/24/18 Defendant's Petition for a Reconsideration, pages 2-4,

¹⁹ 7/6/18 Defendant's Petition for a Temporary Protective Order, pages 17-18 provides some specific injuries my children have suffered consistent with their chronic abuse and neglect in the sole custody of their father. Attachment J of that petition provides a Guide for Mandated Reporters in Recognizing and Reporting Child Abuse and Neglect.

Material Proceedings

While cases related to my 4/28/11 Complaint for Separate Maintenance have been ongoing for about seven years now, and include cases in general district court, juvenile court, and circuit court; this request for a petition for review focuses on the most recent disposition of cases 2011-06251 and MI-2018-666 in the circuit court. Relevant contents are listed in the Table of Contents and separately bound with my original 10/12/18 Petition for Review.

Statement of Facts

The 3/27/18 Order denied my motion for a protective order for the health and safety of me, my children, and our fundamental parental rights at a hearing at which no evidence or testimony was solicited or provided to the court. The 3/27/18 hearing was scheduled in response to my notarized affidavits, including one submitted with the 2/23/18 Letter to Designated and Chief Judges which also notified the designated judge of some of the circumstances of my most recent arrest on 1/14/18. When the hearing was scheduled, I asked for relevant discovery, and I asked that my children to be allowed to address the court. Neither of those requests were honored.

The 8/31/18 Order in case MI-2011-666 denied my motion for the circuit court to reconsider denying me an opportunity to *ask* for an ex parte protective injunction for the health and safety of me, my children, and our fundamental parental rights. In the 8/31/18 Denial, the Court of Appeals denied a petition for review without a review of substantive issues.

Arguments Related to the Four Assignments of Error

1. The Court of Appeals concluded in the 8/31/18 Denial that the “tolling provisions of Code 8.01-229 apply to civil actions not to petitions for review.”²⁰
Yet, code 8.01-626 for petitions for review to the Court of Appeals and Supreme Court of Virginia lies within Title 8.01 for Civil Remedies and Procedure. As such, a petition for review is a civil action that can be taken when “a circuit court ... (ii) refuses an injunction ...”
Code 8.01-229(K), also in Title 8.01, suspended the statute of limitations to submit a petition for review to the appeals courts for civil case 2011-06251 pending the final disposition of the related criminal case MI-2018-666:

“In any personal action for damages, if criminal prosecution arising out of the same facts is commenced, the time such prosecution is pending shall not be computed as part of the period in which the civil action may

²⁰ Reference Page 2 footnote 2.

be brought...Thereafter, the civil action may be brought within the remaining period of the statute or within one year, whichever is longer.”

Tolling for the 15-day timeframe to petition for review of the injunction denied by the 3/27/18 Order in the civil case changed to “the date of the final judgment or order” in the criminal prosecution “arising out of the same facts”.²¹ After the 8/15/18 Final Order for case MI-2018-666 was entered on, it remained in the jurisdiction of the trial court for 21 days, “subject to be modified, vacated, or suspended” according to Rule 1:1 of the Supreme Court of Virginia.²²

2. A substantive review of the circuit court’s recent denials of injunction was warranted particularly in consideration of lost fundamental and constitutionally protected parental rights for me and my two young children, who have both now grown into teenagers since I initiated the civil case with a 4/28/11 Complaint for Separate Maintenance;²³ accumulating injuries and risk

²¹ For relevant context of the criminal charge, and of the initial conviction in general district court which took place when I stepped out of the court room briefly to use the restroom, reference 7/6/18 Defendant’s Petition for a Temporary Protective Order pages 5-19; 8/24/18 Defendant’s Petition for a Reconsideration, pages 5 and 7; and 8/27/18 Court of Appeals Petition for Extension, page 2.

²² Reference also 8/27/18 Court of Appeals Petition for Extension.

²³ 8/27/18 Petition for Extension, Item 15, page 2

to my and my children's health and safety as a result of real circumstances;²⁴
and the loss of my ability to petition the local court reasonably.²⁵

My 8/27/18 petition to the Court of Appeals stated on pages 3 and 4:

"In case MI-2018-666, there were two hearings related to scheduling, and two hearings on my motion to dismiss the charge and request a protective order (one prior to receipt of discovery, and one following my receipt of initial discovery) in the case. On Friday, 8/24/18, I petitioned the local circuit court to reconsider not permitting me to ask for a protective order for myself and my children in pre-trial hearings in case MI-2018-666."

In the 8/31/18 Denial, the Court of Appeals notes on page 2 that "Burns further *alleges* that on August 24, 2018, she filed a motion in the criminal matter requesting 'the circuit court to reconsider denying [her] an opportunity to ask for a protective order [.]'" [Italics added] Not accepting as true statements of fact in my 8/27/18 Petition for Extension of 15-Day Timeframe was not good cause to deny my statutory right to petition for a review of injunctions denied by the local courts in both the civil and criminal cases.²⁶

The 8/31/18 Order entered in circuit court, coincidentally on the same day as the 8/31/18 Denial in the Court of Appeals; confirms that the circuit court

²⁴ 8/27/18 Petition for Extension, Item 15 page 2-3

²⁵ 8/27/18 Petition for Extension, Item 15 page 3

²⁶ Reference also 8/27/18 Court of Appeals Petition for Extension.

denied my request for “additional relief as reflected in [my 8/24/18] Motion”,²⁷ which was a request for an injunction.

3. The 3/27/18 Order claims “that the restrictions on [my] right to file pleadings with the Court are not designed to punish [me] but to encourage [me] to complete the evaluations ordered to give [me] a chance to restore [my] relationships with [my] children”.

Codes 16.1-283(E) and 20-124.2(E) provide a high bar for removing residual parental rights and enjoining a parent from petitioning for custody of her own children. The bar in code 20-124.2(E), similar to code 16.1-283(E), states that:

“the court may enter an order to enjoin a parent of the child from filing a petition relating to custody and visitation of that child...if doing so is in the best interests of the child ***and*** such parent has been convicted of an offense under the laws of the Commonwealth...which constitutes (i) murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time the offense occurred, or the other parent of the child, or (ii) felony assault resulting in serious bodily injury, felony bodily wounding resulting in serious bodily injury, or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of the offense.” (Italics added.)

²⁷ Reference the 8/24/18 Defendant’s Petition for a Reconsideration, pages 8-9 for legal justification to ask for a reconsideration; and pages 10-22 for legal justification for the circuit court to enter a protective order in the criminal case.

The language in the 2/10/14 Pre-Filing Injunction Order is very harsh towards me. Yet, while I reasonably believe my children have been chronically abused and neglected in the sole custody of their father (see footnote 19), filing for custody of my children and filing petitions to the appeals courts; subpoenaing testimony or evidence from health care professionals, public school personnel, and child protective services personnel; being banned from my children's public school; and involving the County Attorney's office, law enforcement, and family services does not meet the bar for enjoining me from petitioning for custody of my children, or suspending my parental rights.

This is particularly true while the designated judge has *assumed* that any allegations I have made against the defendant or third party defendants are not true, even when made in sworn testimony and notarized affidavits; quashed my subpoenas for evidence and testimony from health care professionals, public school personnel, and child protective services personnel at a 12/17/13 hearing while allowing the defendant's subpoenaed witnesses to testify; not accepted mental health and parenting evaluations favorable to restoring my custodial rights; and not honored my requests prior to the

3/27/18 hearing for relevant discovery or for my children to be able to address the court.

My criminal history includes a single misdemeanor conviction for “annoying ringing”; and also does not rise to the level of suspending my parental rights or enjoining me from petitioning for custody of my own children.

4. Having been given permission to file motions in the proceedings in a 6/4/18 Order; I asked on four occasions to exercise my legal right to *ask* the circuit court for an ex parte protective order to protect my and my children’s health, safety, and fundamental parent-child relationships. ²⁸

The Commonwealth Attorney’s nolle prosequi of the charge came after she did due diligence in obtaining discovery from law enforcement and speaking with call center personnel at the non-emergency phone line I had called. At the scheduled trial on 8/14/18, the judge also accepted a copy of the 1/31/18 Local Criminal History Check. While code 8.01-620 provides the circuit court with general jurisdiction to award injunctions, that evidence was sufficient for

²⁸ Reference the 7/6/18 Defendant’s petition for a Temporary Protective Order and the 8/24/18 Defendant’s Petition for a Reconsideration for written notarized examples, which I believe justify a temporary protective order without further hearing.

the circuit court judge to consider that my rights as a victim and witness to crimes were not being honored,²⁹ and, in order to prevent further injuries, provide me an opportunity to ask for a protective injunction.³⁰

²⁹ Code 19.2-11.01 and Article I Section 8A. Some of the crimes I believe have been committed against me and my children were provided in the 8/24/18 Defendant's Petition in the criminal case on page 12 footnote 5. I believe the defendant in the civil case has committed crimes against me consistent with abuse of an incapacitated person, sexual battery, simple assault, and physical assault. I believe he has committed crimes against my children which include physical assault of a minor, sexual abuse of a minor, facilitation of child pornography, and taking indecent liberties. I believe law enforcement has committed the crime of abuse of an incapacitated person against me. I believe third party defendants have committed failure to report suspected child abuse and neglect as mandated reporters or responders, and abuse and neglect of children through willful act or willful omission. I believe counsel for the defendant and the appointed guardian ad litem in the civil case, qualified to serve as guardian ad litem for children, have committed abuse and neglect of children.

³⁰ **A relevant overview of statutes for protective orders can be found in the 7/6/18 Defendant's Petition for a Temporary Protective Order on pages 19-31. In the context of the Summary of Expert Opinion in *Nicholson v. Williams*, attached to that petition, the overview includes that protective orders can be entered when there is a probable danger of a further acts of violence, force, or threat being committed based on *allegations* supported by an affidavit or sworn testimony. Protective orders can include protection for family members, and they can provide any relief necessary for the protection of the petitioner and family members of the petitioner. Reference also the 8/24/18 Defendant's Petition for a Reconsideration, pages 10-22, which provides legal justification in accordance with rules of the court, statutes for crime victim and witness rights and protective orders, and legal precedent for the circuit court to enter a protective order in the criminal case.**

Conclusion and Relief Sought

As reflected in the 2/10/14 Pre-Filing Injunction Order, the custodial determination for my children has been incidental to the criminal cases brought against me by FCPD, and third party defendants' response to my attempt to protect myself and my children from domestic and family violence.

References in **footnote 30** above provides ample legal support for the protective and restorative injunction I am asking for. When violence by an individual or an agency becomes chronic, there is an ever present probability of further harm.³¹

Reporting violence against myself and my children does not rise to level of justifying an essential protective order against me for nearly 7 years.

I miss and love the children of my womb. They were conceived in marriage, and in good intentions and faith. The defendant's abuse of my good intentions and faith through violence should not continue to be rewarded.

³¹ I note here that in *Nicholson v. Williams*, the court entered a much broader protective order than what I am asking for to restore relationships between mothers and children separated because of domestic and family violence. I believe the focus on health, safety, and constitutionally protected parental rights is noteworthy. The protective order was entered some time before the lengthy legal opinion supporting it.

I have missed out on raising my children, and would like the opportunity to raise my teenagers with a measure of safety and security; and to show them that their health and safety do matter to our community.

The specific relief I am seeking in a protective injunction can be found in the 7/6/18 Defendant's Petition for a Temporary Protective Order on pages 31-33.

While less punitive than criminal charges or prosecutions, it includes the relief I believe is necessary to protect the health and safety of me and my children, and necessary to restrain the defendant and third party defendants from causing further injuries to me, my children, or other people in our community.

While the local courts and the Court of Appeals have been unwilling to accept jurisdiction to review the circumstances on the merits and entertain entry of a protective order, I humbly ask that the Supreme Court do so.³²

I certify that this motion is neither frivolous, nor intended to harass; but is a sincere plea for court intervention in relation to my and my children's health, safety, and fundamental parental rights; and the ends of justice for my original complaint for separate maintenance in the Fairfax County Circuit Court on 4/28/2011; an attempt to safely separate myself and my children from domestic

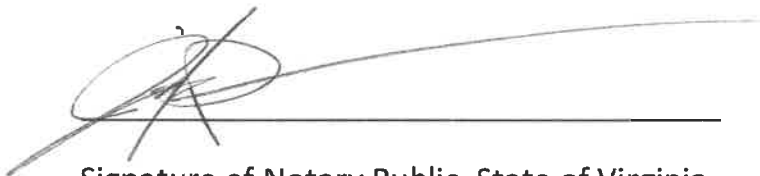
³² A prior remand from the Supreme Court of Virginia to the Court of Appeals of Virginia in record 150621 was dismissed again by the Court of Appeals without a hearing on the merits.

and family violence in our home, with the hope of maintaining our familial relationship with their father. It is true to the best of my knowledge and ability.

Kristin L. Burns

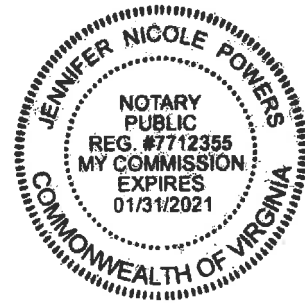
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In the County of Fairfax, State of Virginia, this affidavit has been subscribed and sworn to me on this day, 10/17/18:



Signature of Notary Public, State of Virginia

My commission expires on 01/31/2021



Kristin L. Burns

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I certify that I have requested a good faith effort on numerous occasions to resolve these matters with the following; that this Petition for Review does not exceed 15 pages pursuant to Rule 5:17A(c) excluding header, contents, authorities, and certification; that the separately bound record is an accurate copy of the record of the lower tribunal(s) and contains what is necessary for a review of this petition; and that a copy of this 10/12/2018 Supreme Court of Virginia Petition for Review of Cases 2011-06251, MI-2018-666, and Related Cases – 10/17/18 Required Amendment to the Supreme Court of Virginia will be noticed via mail or email on this day, 10/17/2018 to:

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