

Below is a **structured example federal civil rights complaint** drafted under **42 U.S.C. § 1983** and **42 U.S.C. § 1985(3)** addressing:

- Warrantless seizure of children
- Fabrication and omission of evidence
- Systematic denial of due process
- Termination of parental rights
- Conspiracy among CPS agents, prosecutors, and court officers

This is formatted in **federal pleading structure**, aligned with **Federal Rules of Civil Procedure 8, 10, and 12**, and incorporates controlling Supreme Court and federal appellate precedent relevant to family integrity, seizure standards, fabrication of evidence, and conspiracy.

UNITED STATES DISTRICT COURT

[DISTRICT NAME]

[PLAINTIFF NAME(S)],

Individually and as natural parent(s) of minor child(ren),
Plaintiff(s),

v.

[CPS AGENT NAME], individually;

[PROSECUTOR NAME], individually;

[SUPERVISOR NAME], individually;

[LAW ENFORCEMENT OFFICER NAME], individually;

[COUNTY / MUNICIPAL ENTITY];

JOHN AND JANE DOES 1–20, individually,

Defendants.

Civil Action No. _____

COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF

(42 U.S.C. §§ 1983, 1985(3))

I. INTRODUCTION

1. This civil rights action arises from the unconstitutional warrantless seizure of Plaintiffs' minor child(ren), the fabrication and omission of material evidence, systemic denial of due process protections, and actions culminating in the termination of parental rights.
2. Defendants, acting under color of state law and in concert, deprived Plaintiffs of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.
3. Defendants further conspired to deprive Plaintiffs of equal protection and equal privileges and immunities in violation of 42 U.S.C. § 1985(3).
4. The conduct described herein represents an abuse of state authority and a direct infringement upon the fundamental liberty interest in family integrity recognized by the Supreme Court.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction under:
 - o 28 U.S.C. § 1331 (federal question)
 - o 28 U.S.C. § 1343(a)(3) and (4) (civil rights jurisdiction)
6. This action arises under:
 - o 42 U.S.C. § 1983
 - o 42 U.S.C. § 1985(3)
7. Venue is proper under 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in this district.

III. PARTIES

8. Plaintiff [Name] is a natural parent of the minor child(ren) involved.
9. Defendant [CPS Agent] was at all times a child protective services investigator acting under color of state law.
10. Defendant [Prosecutor] was at all relevant times a state prosecutor acting under color of state law.
11. Defendant [Supervisor] was a supervisory official responsible for policies, training, and oversight.
12. Defendant County/Municipality is liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), for unconstitutional policies, customs, and failure to train.

IV. FACTUAL ALLEGATIONS

A. Warrantless Seizure of Children

13. On [date], Defendant CPS Agent removed Plaintiffs' child(ren) from their custody without a judicial warrant.
14. No exigent circumstances existed that would justify bypassing judicial authorization.
15. At the time of removal:
 - No imminent danger was present.
 - No emergency court order had been issued.
 - No objectively reasonable basis existed to believe immediate removal was necessary.
16. The removal constituted a seizure under the Fourth Amendment.
17. The Supreme Court has recognized the fundamental liberty interest of parents in the care, custody, and control of their children. See *Troxel v. Granville*, 530 U.S. 57 (2000).
18. The Fourth Amendment applies to the removal of children from parental custody. See *Tenenbaum v. Williams*, 193 F.3d 581 (2d Cir. 1999).

B. Fabrication and Omission of Evidence

19. Defendant CPS Agent prepared reports containing materially false statements and omissions.
20. Material exculpatory evidence was deliberately withheld from the juvenile court.
21. False statements were included in sworn affidavits submitted to secure court orders.
22. Fabrication of evidence by a state actor violates due process. See *Devereaux v. Abbey*, 263 F.3d 1070 (9th Cir. 2001).
23. Knowingly presenting false testimony violates clearly established constitutional law. See *Napue v. Illinois*, 360 U.S. 264 (1959).

C. Denial of Procedural Due Process

24. Plaintiffs were denied timely and meaningful hearings.
25. Plaintiffs were denied access to exculpatory evidence.
26. Plaintiffs were denied the opportunity to confront adverse witnesses.
27. Procedural due process requires notice and opportunity to be heard at a meaningful time and in a meaningful manner. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

28. The removal and subsequent proceedings failed to meet constitutional minimum standards.

D. Termination of Parental Rights

29. The unconstitutional seizure and fabricated evidence formed the basis for termination proceedings.
30. The termination decision relied upon tainted evidence.
31. Because the foundational removal was unconstitutional, subsequent proceedings were infected by constitutional error.
32. Parental rights are fundamental liberty interests protected by the Fourteenth Amendment. See *Santosky v. Kramer*, 455 U.S. 745 (1982).

E. Conspiracy Under 42 U.S.C. § 1985(3)

33. Defendants acted in concert to deprive Plaintiffs of constitutional rights.
34. Communications occurred among CPS, prosecution, and supervisory officials to coordinate removal and litigation strategy.
35. Defendants agreed to present uniform testimony and suppress contradictory evidence.
36. The conspiracy resulted in deprivation of equal protection and equal privileges secured by law.
37. Plaintiffs were targeted as members of a protected class [insert applicable class basis, if applicable].
38. An overt act in furtherance of the conspiracy occurred when Defendants jointly presented fabricated evidence at hearing.

V. MUNICIPAL LIABILITY (Monell Claim)

39. The unconstitutional actions were undertaken pursuant to policy, custom, or practice.
40. The municipality failed to train employees regarding constitutional requirements for child removal.
41. The municipality exhibited deliberate indifference to known risks of constitutional violations.

VI. CLAIMS FOR RELIEF

COUNT I

Fourth Amendment – Unreasonable Seizure (42 U.S.C. § 1983)

42. Defendants seized Plaintiffs' children without a warrant and without exigent circumstances.
43. The seizure was objectively unreasonable.

COUNT II

Fourteenth Amendment – Procedural Due Process (42 U.S.C. § 1983)

44. Plaintiffs were deprived of notice and meaningful opportunity to be heard.
45. Evidence was fabricated and withheld.

COUNT III

Fourteenth Amendment – Substantive Due Process (42 U.S.C. § 1983)

46. The right to family integrity is fundamental.
47. Defendants' actions shock the conscience.

COUNT IV

Conspiracy to Interfere with Civil Rights (42 U.S.C. § 1985(3))

48. Defendants conspired to deprive Plaintiffs of constitutional rights.
49. Overt acts were committed in furtherance of the conspiracy.

COUNT V

Municipal Liability (Monell)

50. The constitutional violations were caused by policy, custom, or deliberate indifference.

VII. DAMAGES

51. Plaintiffs suffered:

- Loss of custody
- Emotional distress
- Reputational harm
- Financial loss

52. Plaintiffs seek:

- Compensatory damages
- Punitive damages (against individual defendants)
- Declaratory relief
- Costs and attorney's fees under 42 U.S.C. § 1988

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request:

- A. Declaration that Defendants violated constitutional rights;
- B. Compensatory damages;
- C. Punitive damages;
- D. Costs and fees;
- E. Any further relief the Court deems just.

STRATEGIC CONSIDERATIONS

1. Immunity Issues

- Prosecutors may assert absolute immunity for prosecutorial functions (*Imbler v. Pachtman*, 424 U.S. 409 (1976)).
- CPS workers typically receive qualified immunity unless clearly established law was violated.
- Judges generally have absolute judicial immunity for judicial acts.

Claims must be carefully framed to:

- Target investigative actions (not prosecutorial advocacy).
- Target administrative conduct outside judicial function.
- Establish violation of clearly established law.

2. Rooker-Feldman Doctrine

Federal courts cannot act as appellate courts reviewing state termination judgments. Claims must challenge constitutional violations, not seek reversal of state judgment.

3. Statute of Limitations

§ 1983 borrows state personal injury statute (often 2–3 years). Accrual typically begins when plaintiff knew or should have known of injury.

4. Resource Recommendations

- Federal Rules of Civil Procedure
- Supreme Court precedent on family integrity
- Circuit-specific child removal cases
- § 1983 litigation treatises
- Federal judicial opinions in your circuit regarding CPS liability

NEXT STEP

If you would like, I can:

- Customize this complaint to a specific state and circuit
- Add jurisdictional challenge framing
- Draft a Rule 12 response strategy
- Draft a TRO motion
- Build a litigation timeline structure
- Add evidentiary matrix for fabrication claims
- Analyze immunity defenses specific to your circuit

Please provide:

1. State and federal district.
2. Whether termination is final.
3. Date of removal.
4. Whether warrants or emergency findings exist.
5. Whether any criminal charges were filed.

That will allow a precision-drafted litigation model aligned to controlling precedent.