

PREPARED BY THE COURT

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RACHEL CANNING,

Plaintiff,

vs.

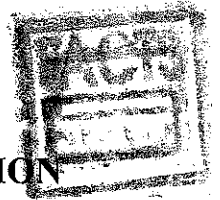
SEAN CANNING  
AND ELIZABETH CANNING,

Defendant.  
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) 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 26<sup>th</sup> day of February, 2014;

**ORDERED** that the parties and their counsel shall appear before the Court on the 4<sup>th</sup> 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 4<sup>th</sup> 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.

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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:

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- 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.

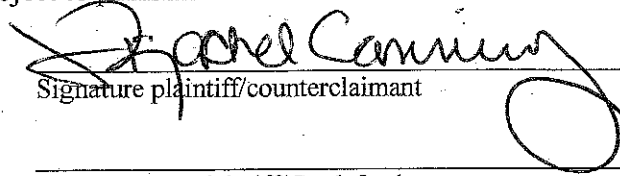
For Defendants to pay Plaintiff/Rachel Canning's outstanding private school tuition at Morris Catholic High School; for Defendants to pay child support, college admission expenses, college tuition, room and board; for Defendants to pay legal fees for this action.

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](http://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](http://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. ...*  
DEPUTY CLERK

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

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

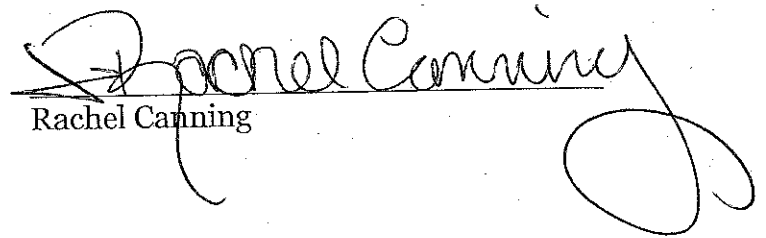
- participate. I expect to live away at the college I go to and will need the room and board expenses to be paid. I hope to become a biomedical engineer. I love science and engineering.
18. I have suffered from Bulimia and this time in my life, being abandoned by my family, has been extremely upsetting. 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).**

I hereby 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.

Dated:

2/21/14

  
Rachel Canning

FEB 24 2014

*Rachel Canning*  
DEPUTY CLERK

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

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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

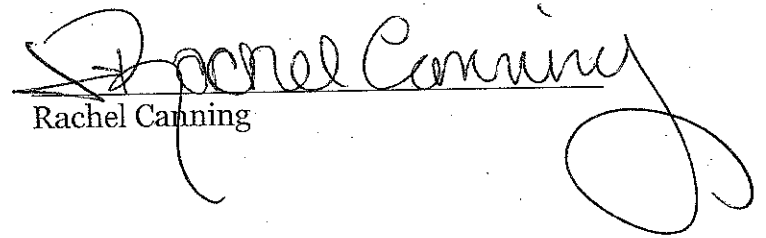
- participate. I expect to live away at the college I go to and will need the room and board expenses to be paid. I hope to become a biomedical engineer. I love science and engineering.
18. I have suffered from Bulimia and this time in my life, being abandoned by my family, has been extremely upsetting. 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).

I hereby 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.

Dated:

2/21/14

  
Rachel Canning

RECEIVED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

*Rachael Maltz-Bry*  
DEPUTY CLERK

RACHEL CANNING,

SUPERIOR COURT OF NEW JERSEY

*Plaintiff,*  
vs.

CHANCERY DIVISION-FAMILY PART  
MORRIS COUNTY

SEAN CANNING AND ELIZABETH  
CANNING,

DOCKET NO.: FD-14-397-14

*Defendants.*

CIVIL ACTION

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**BRIEF IN OPPOSITION TO PLAINTIFF'S  
ORDER TO SHOW CAUSE**

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Laurie Rush Masuret, P.A.  
75 Claremont Road  
Bernardsville, New Jersey, 07924  
(908) 953-0042

FILED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 27 2014

*Rachael Maltz-Bry*  
DEPUTY CLERK

On the brief:

Laurie Rush-Masuret  
Attorney for Defendants



## PRELIMINARY STATEMENT

The within matter was filed by an eighteen (18) year old high school senior against her parents. It is not filed within the context of a divorce litigation or custody dispute, but rather by the plaintiff herself against her parents. The plaintiff alleges that she is not emancipated, and seeks payment of her tuition to Morris Catholic High School as well as various college application expenses and/or deposits on an emergent basis, as well as support for herself on an ongoing basis. The plaintiff is eighteen years old and is therefore an adult pursuant to N.J.S.A. 9:17B-3. She voluntarily left her parent's residence when she did not want to live by their reasonable household rules. The threshold question, beyond a determination of whether or not the relief requested is "emergent" in nature, is the plaintiff's status as to whether she is emancipated or unemancipated. It is the defendants' position that if she is not emancipated then she should move home and live within their sphere of influence, which involves abiding by reasonable household rules. However, plaintiff's present conduct, her willful failure to live in concert with her family and their rules and lifestyle, her defiance in seeking to live with her boyfriend's family then her friend's family and her alienation of her parents clearly demonstrates that she refuses to live within their sphere of influence. She is not in contact with her parents, she provides no information regarding her academic progress, or her athletics, nor has she consulted them with regard to any college applications that she already submitted. To permit an eighteen year old high school student to rebel against her parents' imposition of reasonable "rules" and then compel her parents to pay for private school, college and ongoing direct child support would open the floodgates to litigation by such "teenagers" against parents, undermining the ability to effectively parent one's own high school student, obliterating the lines of an appropriate "sphere of influence" and result in the imposition of financial obligations that may not have been contemplated, such as college tuition, notwithstanding the alienation and havoc the family suffered which is perpetuated by the non-compliant teenager.

## STATEMENT OF FACTS

The plaintiff is an eighteen (18) year old high school senior at Morris Catholic High School (hereinafter Morris Catholic). She has had numerous transgressions with her parents as well as several disciplinary issues with Morris Catholic as outlined in the Certifications of Elizabeth Canning and Sean P. Canning, including but not limited to stealing credit cards, underage drinking, breaking curfew, driving while under age, lying to DCPP, suspension from school, termination of her position with Campus Ministry and being stripped of her cheer captaincy. In addition the plaintiff suffers from eating disorders and requires therapy and medication. While living at home the plaintiff's parents, the defendants herein, provided a stable, loving and nurturing environment. The plaintiff was given the opportunity to attend private high school, and was not "deprived" in any manner. Upon recognizing the presence of the eating disorders the defendants provided therapy, a nutritionist, the requisite medication and available treatment. The plaintiff had two attentive parents and numerous resources at her disposal.

The plaintiff's conduct, however, required the defendants to impose reasonable household rules, such as a curfew, no under-age drinking and a diligent effort to obtain good grades. In addition, when the plaintiff's conduct violated these rules there were reasonable consequences. For example when the plaintiff was suspended from school for two days in October 2013 the defendants advised her that she could no longer see her boyfriend, with whom she was suspended, and her cell phone and car privileges were taken away. Critically, it was that incident and those reasonable consequences that then caused the next series of events. The plaintiff cut-school with her boyfriend the day after learning of such punishment and then decided to move-in with her friend's family, after spending two nights at her boyfriend's family's home. She also alleged to Morris Catholic that the

defendants were verbally and mentally abusive, triggering a DCCP investigation, which eventually was concluded as no abuse was found, just a spoiled child.

The plaintiff is still living with her friend's family, who have clearly enabled this conduct, undermining the defendants' ability to properly parent the plaintiff and usurping their parental role. The family has even subsidized the within litigation, yet does not seek custody. The plaintiff has filed numerous college applications without any input or consultation from the defendants, and with complete disregard of the cost of school.

As indicated in the Order entered in this matter, the Court will "address issues relating to Morris Catholic tuition, the status of the applications, the deadlines in place for financial aid applications and other related fees". It is the defendants' position that none of these issues are emergent, but that they are not liable for payment in any event as the plaintiff has essentially emancipated herself and caused such a severe alienation of the parental relationship that all financial independence is severed. The plaintiff is no longer within defendants' sphere of influence and thus is not eligible for support. To permit such conduct by a rebellious teenager towards her parents, and then in turn to compel those parents to support the very same person who created the havoc, thus undermining all ability to parent, is unconscionable and will create a precedent resulting in numerous lawsuits for college payments in households where such a privilege is not warranted. Further, such a precedent will cause a chilling effect on parents who seek to impose reasonable household rules relating to discipline and the parents' lifestyle and morality.

**POINT I**  
**THE RELIEF SOUGHT**  
**BY THE PLAINTIFF**  
**IS NOT EMERGENT**

The seminal case outlining the criteria to support a decision that relief sought by a litigant is "emergent" is Crowe v. DeGoia, 90 N.J. 126 (1982), also cited in plaintiff's brief. In Crowe the Supreme Court set forth a four-prong test, the elements of which are to each be analyzed in order to make a judicial determination that a matter is in fact "emergent", requiring the Court's immediate attention. In the case sub judice the Court has directed that it will address certain issues as potentially emergent in connection with this application, specifically the tuition at Morris Catholic and the college application expenses/deposits and deadlines.

It is respectfully submitted that the Morris Catholic tuition request is not emergent as it has been funded by certain fundraising efforts according to plaintiff's Certification. Thus, it is not "due", she is not being precluded from attending school and it is actually a contractual issue between Morris Catholic and the defendants. Further, as the Contract (attached to the Certification of Rachel Canning as part of Exhibit C) permits a student to withdraw voluntarily, requiring only the semester they attend to be paid, there is no contractual violation in any event. The school was given notice of the withdrawal for the second semester and tuition was paid in full for the first semester of the school year, thus the defendants complied with their obligation.

The second aspect of the relief, money for college application fees, deposits and "deadlines", is also not emergent. More importantly, even before the Court should compel payment, is the glaring issue of whether the defendants are liable to even make such payments. It is the defendants' position that so long as their daughter is no longer within their sphere of influence and continues to alienate them, they have no duty for support or college. In fact they were not consulted on any of the schools. They are essentially being requested to fund their daughter's education, without any input or consultation, and with absolutely no regard for the expense.

Clearly such circumstances would not have occurred if the plaintiff was within their sphere of influence. Thus, notwithstanding whether or not the college expense, deposit and deadline issue is deemed "emergent", if the defendants are not ultimately obligated to make these payments it is respectfully improper for the Court to require these payments.

The first prong of the criteria set forth in Crowe requires a determination that in the event the relief is not granted "irreparable harm" will result. Such harm is generally considered irreparable if it cannot be redressed adequately by monetary damages. *Id.* at 132-133. In the instant manner clearly there is no harm at all with respect to Morris Catholic's tuition payment. It seems it has actually been paid by various fundraising efforts and the plaintiff is not being precluded from attending school.

With regard to the various college expenses and deadlines, it would seem that any school would permit deferment and/or a late fee if warranted. To deem such payments "emergent" and compel payment implies that the defendants concede that they agree to pay for such schools, yet they have not been involved in any of these applications. It may even be that due to the plaintiff's health issues she is not permitted to go away to college. If the defendants are going to contribute to plaintiff's education it should be based upon a joint, mutual decision of what schools are appropriate and affordable. The only apparent cited deadline in plaintiff's brief is May 1, 2014, and as that is two months away such deadline is not "emergent".

The second prong of the criteria indicates that "temporary relief should be withheld when the legal right underlying plaintiff's claim is unsettled." *Id.* at 133. In the within action the Morris Catholic tuition is actually "unsettled" because it is the defendants' position that they complied with the Contract terms. Plaintiff's legal right to compel her parents, the defendants, to pay for college when she has essentially emancipated herself, moved out and is no longer within their sphere of influence is at issue and is also "unsettled". The fact that plaintiff is "qualified" to apply for college, does not automatically entitle her, or any other student seeking to

have a free education, to require her parents to pay for her education. She must demonstrate that she is not emancipated, and all of her conduct suggests otherwise.

The third prong of the criteria requires that the relief should not be granted where the material facts are in dispute and a showing of a reasonable probability of ultimate success on the merits by the plaintiff *Id.* at 133. The fact that the defendants may be in a position to contribute towards college for their daughter, or even that a college fund is in place, does not create "uncontroverted" facts because the essential question becomes whether or not they are ultimately obligated to pay. The question is not whether they are financially secure, but whether their daughter is still within their "sphere of influence" whereby they are included, at a minimum, in discussions and/or decisions as to what schools are appropriate or affordable. Such is not the case herein. Rather the facts support the conclusion that the plaintiff is emancipated. Furthermore, although the plaintiff's friends may be described as "kind and generous" in plaintiff's brief, the defendants never sought any financial contribution or assistance for their daughter. The Inglesino family voluntarily offered that she live with them. Obviously their lenient rules and more extra extravagant lifestyle were appealing to a teenager. However, the plaintiff could simply move back home with the defendants, in which case the plaintiff's friend's family incurs absolutely no expense. It is not defendants' position that plaintiff's friends should be financially responsible for her. Rather, she could move home, otherwise she is clearly emancipated, which also means she must learn to be financially independent.

The fourth prong of the test requires the Court to consider the relative hardship to the parties in granting or denying relief. With regard to the Morris Catholic tuition issue, there is clearly no hardship, they have been paid, the plaintiff is attending school and the defendants are ultimately not liable pursuant to the Contract in any event. However, to require the defendants to pay application fees and deposit monies for schools they do not approve or to which they will ultimately not be required to fund is a severe hardship. These payments may actually be made but the monies subsequently lost if the plaintiff is not permitted to attend these schools

based upon her health or the expense of the school. In the end it may be that by virtue of plaintiff's own conduct, her alienation of affection for her parents and her decision to move beyond their sphere of influence, they are not obligated to pay any of these costs, or if she is still suffering from an eating disorder she may not be permitted to enroll in college at all. Thus, the relief sought in fact creates a hardship as this expense may not be the defendants' obligation at all.

## POINT II

### **THE PLAINTIFF HAS MOVED BEYOND DEFENDANTS' SPHERE OF INFLUENCE AND IS NOT ENTITLED TO FINANCIAL SUPPORT, INCLUDING COLLEGE EXPENSES, AS SHE IS EMANCIPATED**

The within matter is easily distinguishable from the majority of the caselaw defining "emancipation" as it is not filed within the context of a divorce proceeding or custody evaluation. Typically the question of emancipation arises between parents disputing the continuation of a child support payment or whether their status in college deems them "emancipated" or not. In this case, however, the plaintiff is a high school student but has reached the age of eighteen (18) years old, which is the legal age of majority according to N.J.S.A. 9:17B-3. Her parents have consistently cared for her, supported her and tended to her needs. In fact, they have both been custodial parents and they both assert parallel positions in this matter. Interestingly, as it is their unified position that the plaintiff should not be attending Morris Catholic yet she continues to do so, such a result would be incongruous in a typical contested proceeding where, presumably, the parents are at odds on such a decision. The plaintiff, however, decided otherwise, and defied her parents by moving out and continuing to attend Morris Catholic.

It is also glaringly apparent, and the facts in this regard are uncontroverted, that the plaintiff has had discipline issues at school and has completely failed to

abide by reasonable household rules, as well as complying with the consequences for violating these "rules". The plaintiff alleges that such imposition of "rules" is "abusive". However, the Court's review of the facts and the reasonable rules and consequences of the violation of the rules is critical as it is really a matter of the defendants' parenting tactics. In fact, upon an investigation of this household by DCPD as recently as November 2013, it was concluded that there is no abuse. It should be noted that the opinion of the new therapist submitted by plaintiff is completely irrelevant, as she never even met the defendants. Thus, the therapist only has heard plaintiff's "version" of her "abusive" home life. For example, it would appear doubtful that the therapist was ever advised of communications by the plaintiff to her mother such as the voicemail message attached to Elizabeth Canning's Certification as Exhibit B.

By virtue of the plaintiff's conduct she has definitively moved herself beyond her parents' sphere of influence. She has violated their clear (and reasonable) household rules with no apparent regret or indecision. She blatantly got drunk on weekends, continued to see her boyfriend, violated her curfew and was completely disrespectful to her parents when they would not permit underage alcohol parties. When they took away her car and cell phone as punishment for a school suspension, she told the school they were abusive and moved in with her boyfriend and then her friend's family. Such out of control behavior, at the legal age of eighteen (18) years old, clearly warrants a determination that the plaintiff is beyond the defendants' sphere of influence and is emancipated.

In Fillipone v. Lee, 304 N.J.Super. 301 the Court stated, "Emancipation of a child is reached when the fundamental dependant relationship between parent and child is concluded, the parent relinquishes the right to custody and is relieved of the burden of support, and the child is no longer entitled to support". *Id* at 308. All of those factual circumstances have occurred in this case. The Court sets forth specific instances of emancipation, such as marriage, Court order or reaching an appropriate age, but indicates that the "essential inquiry is whether the child has moved beyond the sphere of influence and responsibility exercised by a parent and obtains an



independent status of his or her own". Id at 308 citing from Bishop v. Bishop, 287 N.J. Super. 593, 598, 671 A.2d 644 (Ch. Div. 1995). The critical inquiry therefore turns on whether the plaintiff is still within her parents' sphere of influence. As she has completely disregarded their rules, morals and judgment they clearly have no influence over her. She disagrees with their opinions on her boyfriend and disregards their direction not to stop seeing him, based upon his poor influence on her. She has no regard for underage drinking restrictions or a curfew. She does not comply with their requests that she remain in therapy and on medication for her eating disorders. She further refuses to abide by any consequences they impose for violating their rules, and significantly, also violating the rules of Morris Catholic. The plaintiff decided to move-out, that she was eighteen (18) and can live by her own rules, rather than within her parents' sphere of influence. As she is legally an adult and refuses to conduct herself within her parents' sphere of influence she is clearly emancipated.

The corollary to this is that in order for a child to be deemed unemancipated they must be acting within the parents' sphere of influence and be financially dependent. Further, a parent's support obligation continues only until the child's emancipation. Colca v. Anson, 413 N.J. 405 (App Div. 2010) at 415. Although the child support paid is for the benefit of the child, and the right "belongs" to the child, there is no right to assert if the child is emancipated. Several of the cases cited by plaintiff stand for various propositions wherein a child is entitled to be supported i.e. that the parents have an obligation to assure a necessary education for a child (Johnson v. Bradbury, 233 N.J. Super. 129 (App. Div. 1989), Newburgh v. Arrigo, 88 N.J. Super. 529, 443 A.2d 1031 (1982)), or that a child has a right to be supported according to their standard of living (Guglielmo v. Guglielmo, 253 N.J. Super. 531, Colca) or in the event of the instance of a custodial parent's negligence, purposeful delay or obstinacy (LV v. RS, 347 N.J. Super. 33 (App. Div. 2001)). However, all such obligations and "rights" are abrogated under certain circumstances, which include the child's alienation of the parent, or the child being deemed emancipated, in which case the child is no longer "financially dependent". Not every child will be

able to require their parents to pay for college, just because they are their parents. There are criteria to be applied, not the least of which is the relationship between the parent and child, and whether the child is emancipated. Thus plaintiff's reliance on Colca is misplaced. There is no question that an unemancipated child is entitled to support. However, the expectation of support ceases upon emancipation. Further, the mere fact that the plaintiff gained admission to college does not entitle her to support. Attendance in college is a frequent argument asserted to support a basis for an "unemancipated" status, but it is not automatic. In Colca the dispute involved the enforcement of a Consent Order (analogous to numerous cases which involve enforcement of an Agreement) to determine the respective obligations of the parents for college tuition. Significantly, in Colca both parents already agreed to pay for college, and the Court ruled that as emancipation had not occurred there was an obligation of financial support. In fact, many Agreements actually define emancipation. However, that is not the scenario in this case, which is factually distinguishable. In the within matter both parents agree that they have no influence or control over their daughter, and as such she is beyond their sphere of influence resulting in an emancipated status.

Even enrollment (in this case mere admission) in college does not mandate a parent's contribution to the child's education, whether or not the child is emancipated. In Gac v. Gac, 186 N.J. 535, 897A2d. 1018 (2006) the Supreme Court in analyzing the factors in Newburgh v. Arrigo, 88 N.J. 529, 443 A.2d 1031 (1982) held that a "fair balancing of the Newburgh factors and other pertinent facts favors defendant's position that he should not have to contribute to Alyssa's educational expenses". In this matter the father (defendant) had been estranged from his daughter for many years. The daughter then attended and completed college without ever including her father in any decisions concerning college and only asked for financial assistance from him once she completed college. The Court deemed this failure of both the mother and daughter to request financial assistance at a time when the father would have been able to participate in educational decisions, as well as to plan his own finances, to weigh "heavily against ordering him to contribute to her

educational expenses after her education was completed". Id. at 1025. Similarly, the plaintiff herein has completely excluded both parents from participating in her educational decisions and determining an appropriate level of financial contribution, if any.

Similar conclusions were reached by the Appellate Division in Moss v. Nedas, 289 N.J. Super. 352 (App Div. 1996). In that matter the Court was resolving enforcement of certain terms, post-judgment, of the parties' Property Settlement Agreement (PSA). The PSA included a term requiring the parties to share college education costs. As there is no PSA in the within matter, these cases are obviously factually distinguishable. However, what is significant is that notwithstanding that both parents consented in the PSA to contribute to college the father's liability was limited by the Court. The child was required to conduct "meaningful communication" with him concerning her education which included providing all transcripts, information on performance and participation in the enrollment process, as well as participating in an active role in the financial aid, loan, grant and scholarship applications. Id. at 356. Upon the child's failure to comply with those conditions the Court relieved the father of the obligation for payment. The court in fact did analyze the Newburgh factors but recognized that "only half of which directly relate to the financial commitment being undertaken. The others relate to the goals of the parent/child; their relationship; the type of education in view of the special needs, interest, and commitment of the child" Id. at 356.

The concept of "meaningful communication" to sustain a relationship warranting contribution from a parent to a child's education was reinforced in Van Brunt v. Van Brunt, 419 N.J. Super. 327 (Ch. Div. 2010). In fact in that case the daughter refused to provide the father with documentation of her college attendance, credits and grades. The Court ruled that the student had an obligation to provide her parents with attendance and performance information stating, "A child who demands financial contribution from her parents logically has a reciprocal obligation to provide basic information concerning college attendance and performance to her parents," Id. at 419. Presumably, the same principles and criteria would apply if

parents were being requested to subsidize private high school tuition, such as in the case herein.

The Courts consistently cite and rely upon the factors set forth in Newburgh to determine the validity and extent of a parent's obligation to contribute to college. As stated in Moss, not all of the factors involve a financial analysis. The plaintiff's brief in Point Two appears to engage in a Newburgh analysis, although the case itself is not cited. The brief focuses on what plaintiff presumes to be her parents' financial resources as sufficient to require payment, and of course her own academic accomplishments and aptitude. However, glaringly absent from the analysis is the fact that the families' plan always was that the parents' contribution, if any (as such was predicated on a good relationship) was limited to the child's college fund. The plaintiff has always been aware of this. Further, factor 11, the child's relationship with the parents, including mutual affection and shared goals, is virtually ignored. In the case at bar the child has virtually destroyed the relationship. She has become estranged, accused her parents of being abusive, blatantly disregarded their rules and discipline, and now has actually sued them. There is no relationship, and the Court is compelled to seriously consider this factor as it weighs heavily against the "financial" factors, requiring the parents to commit to a financial obligation notwithstanding the alienation of affection and emotional distress they have suffered.

### POINT III

#### **TO PERMIT PLAINTIFF'S RELIEF SHOCKS THE CONSCIENCE OF THE COURT AS IT UNDERMINES ALL ABILITY TO EFFECTIVELY PARENT AND REWARDS OFFENSIVE BEHAVIOUR BY A CHILD**

For the Court to allow an eighteen (18) year old high school student, who is an influence, then the child's "right" must also be impacted. adult by statute, to behave in a manner as the plaintiff has conducted herself, and to essentially thwart a parent's ability to impose reasonable rules or disciplinary measures by rewarding such conduct with financial support is unconscionable. Such a precedent will open the floodgates of litigation to all rebellious teenagers who are unhappy with their parents' rules and prefer the more lenient rules of a friend's household. Moreover, to condone the family friend's conduct in harboring the rebellious teenager upon their belief that their parenting skills or lifestyle are superior, usurps any custodial parent's authority, control and ability to parent, whether this occurs within an intact family or not. It is clear that not all sons and daughters are entitled to be financially supported by their parents, or to have their college education subsidized. This is a "right" enforced by the Court, but subject to limitations. Our Courts must enable parents to parent, and when that right is undermined, especially if the child has alienated the parents, disregarded their rules and moved beyond their sphere of

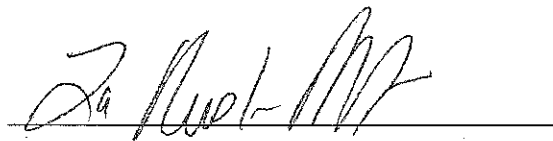
It should shock the conscience of the Court that a son or daughter who completely alienates his or her parents is rewarded with a college education. To permit such a result condones abusive behavior by the child towards the parent with no consequence, which is especially offensive when the "child" is legally an adult and should be aware of right from wrong. There needs to be a consequence to such conduct or at a minimum no reward. Such a ruling would create an attitude of "entitlement" by teenagers to a "right" which is truly a privilege, i.e. a free education. As is indicated in the Moss case, even an "unemancipated" child must have a relationship and demonstrate meaningful communication with his or her parents in order to warrant their education being subsidized. The conduct in the

within matter goes far beyond that standard. The plaintiff has mistreated her parents, refused their help, alienated herself, reported them as "abusive" and defied their reasonable rules and reasonable consequences when the rules are violated. In order to effectively parent, a parent must be in a position to exercise his or her parental judgment, tailored to the child. Obviously in this case such rules were necessary based upon plaintiff's attitude and behavior. Clearly this was not "abusive" conduct by the defendants. If the Court permits the plaintiff to prevail, in spite of her own conduct, such ruling would serve to impose an unnatural burden on any parent's ability to effectively parent and create a chilling effect on a parent's imposition of their judgment, morals and lifestyle on their own children.

## CONCLUSION

In conclusion it is respectfully submitted that the within Order to Show Cause application should be dismissed as there is no legal or factual basis for emergent relief. In addition, as the plaintiff's own conduct in moving beyond the defendants' sphere of influence, together with her status as a legal adult, has effectively served to emancipate her entire Verified Complaint is without merit, is frivolous and should be dismissed. Lastly, the defendant vehemently objects to plaintiff's request for legal fees; however this issue was not briefed as the Court did not include the issue as "emergent". The defendants' legal position regarding the plaintiff's lack of entitlement to legal fees will be submitted if requested by the Court.

Dated February 28, 2014

A handwritten signature in cursive script, appearing to read "Laurie Rush-Masuret", is written over a horizontal line.

Laurie Rush-Masuret, Esq.

Attorney for defendants

LAURIE RUSH-MASURET, P.A.  
Laurie Rush-Masuret, Esq.  
75 Claremont Road  
Bernardsville, New Jersey 07924  
(908) 953-0042 // (908) 953-0087[facsimile]  
*Attorney for the Defendant, Elizabeth Canning and Sean Canning*  
Canning.Elizabeth.client.cert.2.25.2014

RECEIVED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

*Rachael M. Kelly*  
DEPUTY CLERK

RACHEL CANNING, : SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION - FAMILY PART  
*Plaintiff,* : MORRIS COUNTY  
:   
v. : Civil Action  
: DOCKET NO.: FD-14-397-14  
ELIZABETH CANNING and :   
SEAN CANNING, : **CERTIFICATION OF**  
*Defendant.* : **ELIZABETH CANNING**

Elizabeth Canning, hereby certifies as follows:

1. I am a defendant in the above-referenced matter. I make this Certification in opposition to the Certification of the plaintiff, Rachel Canning (hereinafter referred to as "Rachel") and I am personally familiar with the facts set forth herein.
2. I am the biological mother of Rachel, born November 1, 1995, as well as her two sisters, Danielle Marion Canning, born April 13, 1998, and Shayna Nicole Canning, born January 22, 2000.
3. Rachel was brought up in a loving and caring household. She was given love, attention, support and comfort. Materialistically, she was given just about everything she ever asked for, even if it meant that we had to go without. Rachel was never verbally or physically abused by either parent. In fact, we were always her support team, cheering her on or defending her whenever she had a problem.
4. On or about October 30, 2013, two days before her 18<sup>th</sup> birthday, Rachel ran away from home. Rachel was never "kicked" out of her home nor was she ever asked to leave. She took it upon herself to run away so that she could live her life without any parental supervision and without any rules.



5. Upon information and belief, Rachel is a full-time 12<sup>th</sup> grade student at Morris Catholic High School. Her enrollment in Morris Catholic was a privilege bestowed upon Rachel. In 8<sup>th</sup> grade Rachel expressed a desire to go to Morris Catholic for high school so that she could play basketball with them. We, as parents, giving everything we always could to our children, enrolled her. We made sure that we drove her to and from school every day, sometimes making as many as eight trips a day for practices, *etc.*

6. However, after the circumstances that occurred in the fall of 2013, with Rachel running away from her home, Morris Catholic was notified that we no longer supported the privilege of Rachel attending their school and we would no longer pay for her enrollment. The fall semester 2013 was completely paid up and we gave approximately a two month notice that the following semester would not be paid for. Our Contract, attached as part of Exhibit C to Rachel Canning's Certification, permits withdrawal of a student voluntarily just requiring the semester they attended to be paid in full, which we paid. The fact that Plaintiff continues to attend Morris Catholic is of Morris Catholic's own volition.

7. Rachel lived in our house, under our supervision, until the morning of October 30, 2013, when she ran away after a disciplinary hearing at Morris Catholic wherein she was suspended for truancy (after having previously been suspended due to alcohol involvement at the Homecoming Dance).

8. Upon suspension, she attended work with her father, at the Township of Mt. Olive, where she was to conduct a routine inventory of equipment, as punishment for her suspension. Despite our having imposed a punishment for the suspension she was picked up by her unsupervised and also suspended boyfriend, Lucas Kitzmiller, in the Mt. Olive Township parking lot, within an hour of her arriving there and upon information and belief she went to the Kitzmillers' home.

9. At some time during the late morning/early afternoon of October 30, 2013, Mrs. Kitzmiller contacted me at work stating that she had both Rachel and her son, Lucas, at her house and that for the sake of our children, that I needed to contact Morris Catholic and tell them that Rachel had my permission to be at her house. I vociferously refused to comply with this and indicated to Mrs. Kitzmiller that they need to be accountable for their actions. Mrs. Kitzmiller stated that the only thing that mattered was that we get them into a good college and the accountability for cutting school upon a return from yet another suspension was not important. She went on to state that with the changes that were recently made with the staff of Morris Catholic, that this needed to be done to ensure that the "children" did not get in trouble. This conversation was overheard by Lucas and Rachel. I was attempting to exert moral and legal parental authority over our daughter despite the enabling and parental interfering behavior of Mrs. Kitzmiller, which undermined our parenting and rules.

10. At approximately 11:30 AM on October 30, 2014 Rachel returned to Morris Catholic and alleged emotional and mental abuse to the counselors, who then apparently contacted DCPD. On the afternoon of October 30, 2013, Rachel sought permission from Mr. Schilling, the disciplinarian at Morris Catholic, to go to the Kitzmiller's home, rather than to return to her home. Mr. Schilling contacted us and permission was granted. Rachel stayed there two nights, and then was advised by Morris Catholic she could not continue to stay with her boyfriend. Rachel then moved in with the Inglesino family.

11. The weekend prior to Rachel running away, she had asked if we would allow her to stay at her boyfriend's house for the weekend. We told her that she absolutely could not do so. She responded by saying that "she was almost 18 years old and once she turned 18 years old, she could do whatever she wanted because she was an adult".

12. We told Rachel that while it was true that she was going to be 18 years old in one week, that did not mean that she could do whatever she wanted. We

further went on to tell her that as long as she lived in our house, she had to follow our rules. Rules which we had given to her that were in no way strict and stifling.

13. Rachel, leading up to her 18<sup>th</sup> birthday, had bragged to her sisters that she was going to be staying at her boyfriend's house all weekend prior to the events surrounding her running away the morning of October 30, 2013.

14. The rules that Rachel had to abide by while in our house were easy. She had to get good grades. She did not have to get all As, but she had to put effort into her school work. She had to let us know where she was, who she was with, and when she would be coming home. She was given curfews anywhere from 11:30 PM to as late as 1:30 AM, depending on what she was doing. She was told to never touch drugs. She was told to never drink and drive or get in a car with someone who was drinking. She was told that if she ever got stuck in a situation, to call us and we would come and get her. She was not, however, given permission to drink as she was doing during the fall of 2013 when she was telling us that she needed rides to and from parties so that she could get drunk. That was unacceptable in our eyes and we would not shuttle her to parties giving our permission for her to drink. On October 29, 2014 the night before she left, we had told her she could no longer see her boyfriend due to the suspension and his poor influence on her and we took away her phone and car privileges.

15. Between August and October 30, 2013, Rachel routinely (every weekend) would attend parties, become intoxicated, and seek approval and rides from my husband and I, knowing that we did not condone this excessive behavior. She was routinely brought home drunk by the Kitzmillers, well past her curfew.

16. In ignoring our very lenient rules and curfews, it became the normal fashion on weekends for Lucas' father or mother to drive Lucas and Rachel home from whatever party they were able to find around the county, including one in Hackettstown Rachel alluded to. At one point, we had allowed her

curfew to extend until 1:30 AM. We did this because she simply was not listening to us and we felt that if we extended it she may have been more willing to follow our rules. That did not work. On that particular night Lucas' father drove her home drunk and dropped her off at our home at 3:30 AM. The next morning she woke up bragging about how hung over she was. It was sheer rebellion on her part.

17. Rachel and our other two girls' lives are pretty easy for them. Chores at our home, rightly or wrongly, were for the most part non-existent or rarely enforced. We would ask the girls to pick up after themselves and occasionally clean their room. Often times it was just easier for me or my husband to do the housework, including interior cleaning, laundry, windows, dusting and other chores, rather than to argue with them about doing them. Rachel was no exception. She left her room so filthy that the odor coming from her room from rotting food became so bad that we would frequently have to go in and search and remove it.

18. As a general rule, Rachel did not have to conduct chores unless we occasionally asked on a weekend that each of the girls pick one small thing to help out (i.e. dusting, vacuum or bring the laundry up or down). Laundry was done by me. Cooking was done by both of us. As written above, the girls have a pretty easy life living at our house.

19. Her obsession with alcohol induced parties extended to a family dinner in early October 2013 at Cinders restaurant in Mine Hill, where after months of being out of control at home, she requested us to host an alcohol party for her 18<sup>th</sup> birthday. We denied this request. She became angry at the family dinner for the rest of the evening.

20. Rachel also repeatedly had made it known within the household through October and leading up to her 18<sup>th</sup> birthday that when she turned 18, "she won". When pressed what this meant she never revealed in conversation while home.

Rachel also had started threatening filing a lawsuit against Mr. Schilling from Morris Catholic for making her miss her Homecoming Dance.

21. On or about October 5, 2013, Rachel committed a theft on my credit card, which card was given to her for the purpose of purchasing presents (shirts and jeans) for my husband's birthday. Upon questioning by me as to the whereabouts of the shirts, Rachel became evasive. Several days later we discovered that she never purchased all of the birthday presents, but used the credit card to purchase clothing for herself.

22. On October 22, 2013 at 9:45 AM Rachel sent us an e-mail, attached hereto as Exhibit A, to apologize for all of the infractions and behavior she had committed and promised to turn over a new leaf. She ran away one week later.

23. Rachel's allegations that I called her "fat" and "porky" are not factual. At no time did I say that she was fat or porky, heavy or anything. We are big believers in building our daughters' self-esteem and always telling them how beautiful they are. In fact, the word "fat" was not an acceptable word to call anyone in our home or outside of the home.

24. Rachel's allegation that we demanded that she get a basketball scholarship is not true. Rachel was given a choice to play at Boonton High School, where she would have had a chance of a partial scholarship, or Morris Catholic, where she would have likely been a role player. Had we demanded she get a scholarship, the choice would have been Boonton High School.

25. Rachel's allegations that I was angry about my husband taking Rachel to basketball tournaments, is not true. In fact, I supported her, including taking trips to Cincinnati, Ohio, all of her middle school games, and numerous weekend AAU tournament games throughout the tri-state area.

26. Rachel's allegation that we forbade her to have a boyfriend during freshman year is untrue. In fact, we would drive her to her boyfriend's house in Randolph, NJ, on a weekly basis; all the while being lied to that there were

numerous friends watching movies at his house; only to find out at a later date, that there was actually alcoholic parties occurring without our knowledge.

27. During an incident in April 2011, Rachel stole \$100.00 from my purse, snuck out of the house, at midnight, attended a party in Flanders, NJ, and returned home by taxi at 3:30 AM on a weeknight. The very prior day we had spent a day on a mother-daughter bonding trip to the shopping outlets. She showed up from the early morning taxi and theft ride, drunk. We arrived at the opinion that her boyfriend was a bad influence on her. At this point, however, it was a moot point, because he broke up with her.

28. Rachel's eating disorders cannot be blamed on either of us. In April of 2012, Rachel was invited to the prom and approached me indicating that she was going to start a diet, in preparation for the prom. From June through July of 2012, there appeared evidence in the house of a possible eating disorder. Upon our return from vacation that year, I had realized that Rachel was more than "dieting". I went through Rachel's room and pulled out two extra-large black garbage bags filled with vomit. Upon this discovery, I confronted Rachel. Rachel broke down and admitted she had a problem. It was extremely emotional for all. At no time whatsoever did I ever blame Rachel. Instead, I told her time and time again that she would get through this with our support. I supported Rachel throughout this entire ordeal. During this time, I brought her to various therapists, who diagnosed her with anorexia and bulimia. I also took her to a nutritionist, who, along with the therapist, medication and proper maintenance, helped her. I was and am her biggest supporter in trying to get her treated and get her disease in check.

29. Because of Rachel's eating disorders and my determination to get her healthy, Rachel developed hatred toward me. Besides being very disrespectful toward me, she also tried on numerous occasions to cause a divorce between me and my husband. At one point, she even attempted to open a dating profile for my husband. Due to the ongoing friction between Rachel and I concerning my

trying to keep her anorexia and bulimia in check, it was a battle with her whenever I confronted her regarding her eating disorder. I have a voicemail that I saved from Rachel that was so scathing that I actually cried and shook when I heard it. The voicemail was left in response to her father telling her that I had found vomit in the bathroom when she came out of the bathroom while we were on vacation. We had just eaten at brunch and had not left the restaurant. I went to the ladies room shortly after she had left to go. I did not go to the bathroom to check on her. I went because I needed to use the ladies room before we left to go to one of the Disney Parks. As Rachel came out of the stall, I went into the same stall. I found chunks of the egg frittatas she had just eaten, floating in the toilet. It was clearly vomit. It was not a bowel movement as she said it was. You cannot digest an egg frittata within minutes and have it cleanly floating in the bowl. I have the voicemail on my phone as proof that she said it. It was left for me by Rachel, on July 2, 2013, at 1:18 PM. The text is attached hereto as Exhibit B.

30. We were having marital problems and became separated on Memorial Day 2013. Although we continued to live together until July 5, 2013, we were not living as husband and wife. Rachel had decided long before my husband moved out that she was going to move in with him. She did not want to live at home with me. She believed that by not having to live with me, she would no longer have to take her medication or have to live by any rules. Rachel had her bags packed weeks before my husband had even decided that he was going to move out.

31. Rachel's allegation that there was anything other than a father/daughter relationship is utterly offensive. At no time was there ever anything other than a normal interaction. There was never anything remotely sexual or conduct that could be considered in any way sexual. My husband loves his daughter – as a daughter – nothing more. She was the apple of his eye.

32. In October 2013, for my birthday, my husband and I went to Las Vegas, something we had always wanted to do together. As our marriage had reunited and was thriving, we had always put off this trip but in celebration of our renewed commitment to one another we planned the trip from October 9 until October 14, a total of 5 days.

33. Knowing the girls' ages and the precautions we were putting into place, we felt comfortable leaving them with adequate resources and immediate assistance extremely close by.

34. In the weeks leading up to the trip we had offered to have their Grandfather stay with the girls but they vehemently objected to this. Their Grandfather is old school and lives differently than we do; he would make the girls conduct chores and eat whatever he made for dinner, something which our girls have never done. If he had stayed at the house, which he gladly would have done, it would have meant the institution of rules and chores for the girls.

35. In the absence of their Grandfather staying at the house, we made arrangements with the following persons stop by the home, drive by and to ensure they were available to the girls in case of need. The girls were equipped with all the phone numbers as well, should they need assistance while we were away:

1. Rachel's Godfather, Mike Hackett, (who also was available to pick up Rachel at Morris Catholic on October 12 while we were away) lives less than  $\frac{1}{4}$  mile away from the house. At the time of our trip, Mike was also a Lincoln Park Police Lieutenant and he ensured that the Police Department, and he personally, frequented Garden Street where we live.
2. Al Manfredi and his wife, Santa (?) Manfredi, are very close family friends who live six houses away. Al took the responsibility so seriously he stopped by or drove by the house several times each day. Their daughter and our second daughter are so close that each family considers the other girl's daughter their family member.
3. My husband contacted Chief Mark West of the Lincoln Park Police Department and ensured that the patrols of each shift patrolled our



block and watched to see if any cars, other than our cars, were in the driveway. We left explicit instructions as to who should be at the house and there should be no vehicles at the residence other than our three cars. Patrols were informed and patrolled our street often.

4. The girls' Uncle, Eric Paseler, a Parsippany Patrol Officer was on call for the girls' availability and knew of our trip.
5. Our neighbor across the street, Suzanne Rehfus, who is often home and knows what goes on our street at most times, knew we would be away, had direct contact with my wife and I and was also available for the girls. She also had an eye on the residence with instructions from us. My wife texted and received several texts from her while we were away checking up on things from her perspective.
6. Lori Johnson, another family friend who lives a few blocks away from our house, was asked to be on call and oversee the residence as well. Lori Johnson was provided with our contact information and her number was provided to each of the girls.

36. Food and financial wherewithal was provided for the duration of our trip.

Prior to our leaving our two refrigerators were stocked full with:

- chicken franciase;
- pizza;
- two homemade Stromboli's;
- one bottom round roast home cooked as an Italian roast beef;
- heads of lettuce for salad too numerous to count;
- salad items; and
- water, juice, soda, milk, cereal, frozen foods.

37. For the ease for our girls, my wife individually packed plates and bowls of the above food (except for the salad) and had them in the refrigerator so that the girls would not have to prepare anything. They simply would have to put the plate or bowl in the microwave. The salad was left unprepared because it may have wilted had it been kept in individual bowls.

38. When we left the girls had enough food that there was still a surplus when I arrived home on October 14<sup>th</sup>.

39. As to finances, the girls were left with \$300.00 in cash for any needs that they may have had. We had hoped that during this time Rachel would take her sisters out to a lunch or dinner at the mall to repair some of the strain that existed between them due to the recent months relationships. This did not happen as Rachel remained unconnected with her sisters.

40. We also were in constant contact with our children while we were away. We spoke and texted them many times each day. There were absolutely no problems, other than Rachel not being allowed to remain at her Homecoming Dance because of the allegations of alcohol use.

41. On October 12, 2013, we were contacted by Morris Catholic High School, and spoke with Mr. Schilling, who advised us that Rachel was suspected of drinking and had been heard bragging loudly, inside the Homecoming Dance, about having "Everclear", a grain or vodka alcohol. Mr. Schilling relayed to us that Rachel had been seen in the parking lot with her boyfriend and several other boys acting in a suspicious manner, which caused the Morris Catholic authorities to search their vehicles. We advised Mr. Schilling that we were in Las Vegas on vacation and would have her Godfather pick her up.

42. Rachel had been breaking the rules at home so frequently between August and October 12<sup>th</sup>, the date of the homecoming dance, as this was also the same day as my husband's birthday, that as a birthday present, he had asked her not to get in trouble for one weekend. Two days prior to the homecoming dance, Rachel had planned an open house "alcohol" rage, while we were away. We discovered this and thwarted her plans by alerting neighbors, the local police department, and close family friends who were keeping an eye on my daughters while we were away. Mr. Schilling also related to us that they had discovered plans for a post-homecoming dance alcohol party, presumably at our house, hosted by Rachel.

43. Rachel was suspended for this behavior for two days by Morris Catholic, being placed on probation for the rest of the fall semester and not being allowed to participate in the Peer Ministry Group because of her behavior.

44. DCPD did indeed contact us, but not until October 31, 2013. We have no knowledge how or by whom they were contacted, however from what was told to us by the caseworker it was clear Rachel had provided inaccurate information. Rachel had advised them that her furniture had been broken and her door had been kicked in by me. She also told the worker that she had threatened suicide and my reaction was that I "high-fived" my husband. This was so outrageously offensive that it did not deserve to be addressed, but we gladly addressed it with the caseworker. Finally she alleged that we stole all of her monies for college. The caseworker came to our home, conducted an on-site investigation, took pictures and even interviewed our other daughters. All of the allegations were deemed false. This information was dispelled to the point where the case worker arrived as to the opinion and conclusion that we had spoiled our child (see letters attached as Exhibit C).

45. The college funds set aside for all of our children since birth had been premised on the fact of good behavior and the knowledge by all of our children that the funds would be used as far as the funds could provide for college. They could be used for an expensive four year institution or more affordable local college, that was up to the child. Any expenses beyond what monies had been provided in the existing accounts are, with full knowledge by our children, to be funded with student loans or scholarships, if possible.

46. Rachel did indeed request to come home on November 20, 2013 at 1:02 PM (see Rachel Canning Certification, Exhibit F). We responded to this e-mail with the caveat that, yes, she could come home subject to certain reasonable conditions:

- Respect to her parents, in particular her mother;

- Prohibition from seeing her boyfriend who has been in our opinion a poor influence and enabling one in her life;
- She receive counseling. We had set up a counseling session out of concern for her welfare on November 4, 2013 at the Sakowitz Counseling center in Lincoln Park. She was to see a counselor if she were to live at home; and
- A reiteration in the final sentence to her that we did indeed love her but did not want the misconduct of the prior months to repeat.

See e-mail dated November 20, 2013 attached as Exhibit D.

47. At 6:00 PM on November 20, 2013 Rachel responded to our email with:

- “Well I’m not coming home if I can’t see him. Oh and get your facts straight I didn’t call DYFIS [sic]. Morris Catholic did. Get over yourself” (see attached Exhibit D).

48. Rachel’s allegation as to possessing a very nice boyfriend, in our opinion is subjective. In early fall of 2013, I was alerted by the cheer coach, Lisa Decorso, that while Rachel was at a game in Mountain Lakes as a cheer captain, she had disappeared with Lucas Kitzmiller during halftime and failed to return until well along into the second half of the football game. There were twitter pictures posted by Rachel bragging about the fact that she and her boyfriend were wandering about the Mountain Lakes High School while their football team and cheer squad were conducting their extracurricular activities. Rachel was stripped of her cheer captaincy following this and other incidents wherein she was lying to cheerleaders, for example stating practice was being cancelled.

49. Since she commenced dating Lucas Kitzmiller, Rachel has frequently become obsessed with drinking every weekend as a result of dating him. Prior to her dating him, Rachel had been dating another boy through the summer of 2013 where they rarely, if ever, engaged in the heavy partying that was being exhibited nonstop every weekend in the fall of 2013.

50. Prior to fall of 2013 and dating Lucas Kitzmiller, Rachel had only been in trouble in school one time. After she started dating Lucas Kitmiller she was frequently in trouble with him and other boys, including the Homecoming Dance incident. In fact, she was suspended as a result of the Homecoming Dance activities. Upon Rachel's return to school, on the very first day, she cut school with Lucas Kitzmiller and called into school herself purporting to be me. The school, knowing of the problems that we were having with Rachel, immediately called me. I do not think it was 8:00 AM at that time. I told them that I did not call her in and that as far as I knew she was going to school that day.

51. Rachel's allegations in her Certification that she was being abandoned are patently and blatantly untrue. At no time was she ever "kicked out" or told to leave. She was given rules – rules which were extremely reasonable and liberal considering the lack of disregard of her home. She did not want to have to follow any.

52. At no point did we ever ask the Inglesino family to take our daughter in. This has been conducted of their own volition and at their own knowledge.

53. If the Inglesino family had not enabled this situation to an absurd level, Rachel may have actually learned a vital life lesson and returned home and kept our family whole. Instead the Inglesino Family has made a difficult situation horrible and broken apart a family. Under the guise of good intentions, they have arrogantly placed themselves in our stead and operated under the belief that their parenting style is somehow superior to our own.

54. The Inglesino household, according to Rachel in the past, is more lenient. She would often tell us how the Inglesino parents would allow alcoholic parties to be held at their house. Rachel was angry at us because we would not host an alcoholic party. Rachel's first time drinking alcohol was at the Inglesino house, in March of 2011 and on other occasions including their daughters 15<sup>th</sup> birthday where they have freely provided alcohol. Rachel came home bragging saying

that during the limo ride to NY, Mrs. Inglesino gave all the girls wine coolers to drink. This type of behavior we did not condone.

55. We were contacted by DYFS on October 31, 2013, wherein the case worker requested to come by our house to discuss the matter.

56. DYFS had conducted a thorough and extensive investigation of our home, a lengthy household visit which dispelled Rachel's lies about broken furniture. Pictures of Rachel's room were taken to contradict the lie she had told. The case worker also interviewed our other daughters and OFFICIALLY came to the conclusion that the allegations were UNSUBSTANTIATED. There was no truth to the allegations other than the current smokescreen and cover for misbehavior by Rachel. In fact, the case worker told us that it was in her opinion that we spoiled our daughter. We gave her too much.

57. The assertion that Rachel paid for her own car is factually incorrect. In the interest of providing her a brand new Volkswagon Jetta, we expended a down payment plus fees of over \$2,000.00. In addition, my husband guaranteed a Lease in his name with his credit. Rachel, in exchange for use of this car, was to work and pay for monthly lease payments, in addition she agreed to maintain and upkeep the brand new vehicle.

58. In late 2012, prior to her 17<sup>th</sup> birthday Rachel actually stole the vehicle while being underage to drive—knowingly doing so without a valid NJ Driver's license. My husband drove by a street and saw her driving in the car. She saw him and immediately turned the car around. We discussed what could have happened to her legally if she got caught and from that point on made sure her car keys were locked up, only taking them out to practice driving with her, until she was legally permitted to drive.

59. Rachel kept the vehicle in such a state of disarray that a water bottle at one point rolled under the brake pedals, she lost control and struck a mailbox incurring over \$600 worth of damage which we paid for and she only partially compensated us for.

60. Rachel was repeatedly stopped for speeding by police in Morris County and the State Police resulting in the taking away of her vehicle privileges and at one point a threat to remove her from our insurance. This all occurred in a time frame of approximately eight months.

61. The fact that Rachel lives at the Inglesinos' home is a private matter purely between her and the Inglesinos. Our door has been open from the outset subject to extremely liberal rules of conduct within our household. The Inglesinos, while purporting to help, have actually been a tremendous hindrance in family healing.

62. Rachel has been beyond our sphere of influence since she ran away from the Mount Olive Township lot aided by her unsupervised and suspended boyfriend the morning of October 30, 2013. We have had no chance to interact positively with her. She spurned the counseling we had set up for her. Our offer to allow her to move back home was met with insult. It also appears that she decided to apply to numerous colleges, without our knowledge, input or consent, and now expects us to pay for these schools.

63. I do not believe that we should have to pay for the college of Rachel's choice inasmuch as we have had no parental guidance or influence in that selection. We have had no input into any of the colleges applied to by Rachel since the fall of 2013. She has completely alienated us yet expects us to pay for college. There have been colleges applied to which we would not have approved if there were no promise of scholarship.

64. Money has been set aside for our children with the full knowledge that these would be the extent of the funds provided and anything beyond that money was the responsibility of our children through loans or scholarships. Notwithstanding this, Rachel has taken the position she is going to apply to wherever she seems to desire without our input and send us the bill.

65. Rachel has had full knowledge for her entire lifetime, that whatever college funds were in existence were the extent of what we would contribute, the

rest of the tuition and expenses would be funded by student loans or scholarships. All our children know this.

66. Rachel is expecting to live away and at a certain status in college that has not been conveyed to us and again we have had no influence, no say in the matter or nor has our opinion been sought by anyone involved in her college applications.

67. Rachel's documented accounts with an eating disorder occurred long before the fall of 2013 and any calls or claims to DYFS. As her parents, we provided her during the summer and fall of 2012 right up to her running away in fall of 2013 with medical assistance including therapy and medication. Requiring Rachel to take medication resulted in an obsessive, rage-filled reaction as she desired to be free of any constraints.

68. The current therapist was never screened by us, provided for by us nor has she ever spoken to us as her parents yet she still has an "opinion." Moreover we have received the bill for the portion that insurance has not covered. It appears the Inglesinos chose this therapist and obviously by hiring her they usurped any parental authority we may have had over the matter.

69. Rachel had food, shelter, education and a loving family. Despite these comfortable circumstances, she choose to blatantly flout very liberal rules, steal from her family wantonly and run away. The offer to come home is still open to her, but she refuses because she wants to do whatever she feels like doing while we pay all the bills.

70. Rachel, if indeed unemancipated, should return forthwith to her home under her parents' care (which has already been found by the ONLY COMPETENT STATE AUTHORITY that is empowered to do so) as an abuse-free domain and household. We never wanted her to leave. She ran away on her own. She was and is always welcome back to her home.

71. Rachel and the Inglesino family can continue this charade all they desire. The fact is that Rachel has and has had in her life a loving, caring nurturing



home with all the material benefits, including private school, a new car, college funds and fashion clothes. The fact that she decided to run away and not abide by household rules is of her own volition and enabled by the Inglesino family who have arrogantly stated that their brand of parenting is somehow superior.

72. The fact that the Inglesino family has subsidized a lawsuit, rather than providing responsible guidance in abiding by a parent's rules is not an acceptable societal norm.

73. Rachel makes our case perfectly in her Certification. We had arranged for psychological care, and have provided in the past for this therapy, this is not a new situation for Rachel and one she had provided at home. The fact that she moved in with the Inglesino family after running away and that they took her in is a private matter for Rachel and the Inglesino family.

74. Rachel clearly had a choice in the fall of 2013 and well before to stay home. Despite the numerous acts of disobedience, including numerous acts of theft, including a car, money, jewelry, and clothing, the numerous acts of violating curfews ranging from 11:30PM to 1:30AM, the suspensions from school, the stripping of captaincy of a cheer squad due to lying and alcohol problems, we allowed her to continue at private school. She clearly was not forced out of her home.

75. Rachel has always been allowed to come home but has decided that she wants to live life on her terms yet have her parents pay for this lifestyle. She is to this day welcome home as we have expressed in the past. There has never been an abusive relation at home which has been attested to by DYFS. We, to this day, would welcome her home. We love her. Her sisters love her. We need to make our family whole.

76. Rachel has to realize, as does anyone living in a home, that there are rules. We have two younger daughters who are also being influenced and we have great concern for their upbringing. We cannot allow a situation where there

is wanton rule breaking and no consequences. What will become of our other two teen daughters? What will become of society?

77. It should be noted that throughout all of our dealings with Morris Catholic, at two suspension hearings and the incident of the Homecoming dance, the following persons were who we dealt with directly:

- Mr. Shilling, Dean of Students;
- Principle Loia; and
- Dr. Gradone

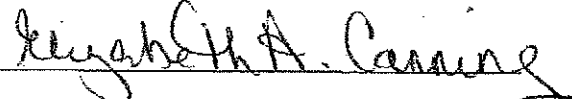
None of the above persons provided a Certification and it is the absence of these Certifications that is glaring. They are the people with whom we met. They are the people who contacted us when there were problems. In fact, I never heard of Kathleen Smith, from Morris Catholic who was one of the people who provided a Certification. Similarly, we never met the therapist. As far as Mr. St. Pierre, his Certification was all about the tuition.

78. I would expect that the Certifications from the persons cited in paragraph 77 above would be amongst the exhibits. The truth is we were not appalling in our behavior but exhibited one of parenting and love and concern for a child despite the enabling influences which have made this a mockery.

79. Rachel is loved, and welcome home along with all the benefits of living at home. This charade of abuse is one that has been constructed and perpetuated by someone who admittedly is in need of psychological assistance and through the well intentions of others has been enabled. We want her home. We want our family whole again.

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

Dated: February 28, 2014

  
ELIZABETH CANNING

RECEIVED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

CERTIFICATION

*Rachel Alletta*  
DEPUTY CLERK

In accordance with R. 1:4-4(c), the within Certification is submitted for filing with a facsimile of the original signature.

I, Laurie Rush-Masuret, Esq., attorney for the defendant certify that the affiant acknowledges the genuineness of the signature and that the document or a copy with an original signature affixed will be filed if requested by the Court or a party to the action.

LAURIE RUSH-MASURET, P.A.

Dated: 2/28/14

BY: *Laurie Rush-Masuret*  
LAURIE RUSH-MASURET

Phone message left for Liz Canning from Rachel at July 2, 2013 1:18pm

***"Hi mom just to let you know you're a real fucking winner aren't you you think you're so cool and you think you caught me throwing up in the bathroom after eating an egg frittatta, yeah sorry that you have problems now and you need to harp on mine because i didn't and i actually took a shit which i really just wanna shit all over your face right now because it looks like that anyway, anyway i fucking hate you and um i've written you off so don't talk to me, don't do anything i'm blocking you from just about everything, have a nice life, bye mom"***

***7/2/13 1:18 pm***



STATE OF NEW JERSEY  
DIVISION OF CHILD PROTECTION AND PERMANENCY  
MORRIS EAST LOCAL OFFICE  
201 LITTLETON ROAD  
MORRIS PLAINS, NJ 07950  
TEL: 973-829-3600 FAX: 973-656-3575\3576

Chris Christie  
Governor

ALLISON BLAKE  
Commissioner

December 16, 2013

Mr. and Mrs. Canning  
10 Garden Street  
Lincoln Park, NJ 07035

**Re: Rachel Canning NJS ID#: 15210722**

Dear Mr. & Mrs. Canning:

The Division has completed its involvement with regard to the above mentioned child. At this time there is no need for further services and the family has not requested for continued services from the Division. Therefore we have terminated our agency's involvement effective **December 16, 2013**.

Thank you for your help and cooperation during our contacts with your family. If in the future you should need our services please feel free to contact the State Central Registry 24 hour service number at 1-877-652-2873.

Sincerely

A handwritten signature in black ink, appearing to read "Leena George".

Leena George, FSSII  
Intake Investigator

A handwritten signature in black ink, appearing to read "Loretta Houston".

Loretta Houston  
Supervising Family Service Specialist II

PeopleFIRST

NJ Department of Human Services

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STATE OF NEW JERSEY  
DEPARTMENT OF CHILDREN AND FAMILIES  
DIVISION OF CHILD PROTECTION AND PERMANENCY  
MORRIS EAST LOCAL OFFICE  
201 LITTLETON ROAD - GROUND LEVEL  
MORRIS PLAINS, NJ 07950  
973 829-3600

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Allison Blake, PH.D., LSW  
Commissioner

December 16, 2013

Mrs. Elizabeth Canning  
10 Garden Street  
Lincoln Park, NJ 07035

Re: Allegation of Child Abuse/Neglect Concerning: Rachel Canning  
Case ID#: 15210722 Intake ID#: 18772018

Dear Mrs. Canning:

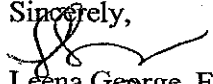
New Jersey Law, as set forth in N.J.S.A. 9:6-8.11, requires the Division of Child Protection and Permanency (CP&P) to investigate all allegations of child abuse and neglect. On **October 30, 2013** the Division's Morris East Local Office received an allegation that **Rachel was abused**.

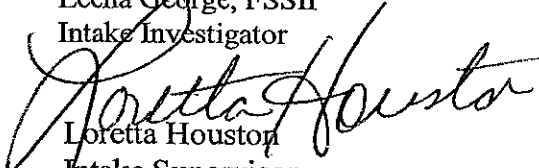
The Division conducted its required investigation and determined that the allegation of **Emotional Abuse was unfounded**. Therefore, the Division will not keep a record of the investigation results on its central registry of confirmed perpetrators of substantiated incidents of child abuse or neglect. The Division **will not** be providing further services to you and your family.

After three (3) years, all Division records associated with this investigation shall be expunged from Division files pursuant to N.J.S.A. 9:6-8.40a, unless, during that time, the Division receives an additional referral regarding the child, family or the alleged perpetrator, or the Division provides services to the family. If the outcome of a child protective service investigation, a criminal investigation or a court proceeding involving the alleged perpetrator, the child or a member of the family is pending, a court orders that the record be retained, or the Commissioner of the Department of Human Services requests that the record be retained, the Division shall retain rather than expunge the record in accordance with N.J.A.C. 10:129A-4.3.

Current law provides that this information may not be disclosed by anyone, including you and the Division, to anyone except as permitted by N.J.S.A. 9:6-8.10a.

Sincerely,

  
Leena George, FSSII  
Intake Investigator

  
Loretta Houston  
Intake Supervisor

PeopleFIRST

NJ Department of Human Services

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STATE OF NEW JERSEY  
DIVISION OF CHILD PROTECTION AND PERMANENCY  
MORRIS EAST LOCAL OFFICE  
201 LITTLETON ROAD  
MORRIS PLAINS, NJ 07950  
TEL: 973-829-3600 FAX: 973-656-3575\3576

CHRIS CHRISTIE

Governor

December 16, 2013

ALLISON BLAKE

Commissioner

Mr. Sean Canning  
10 Garden Street  
Lincoln Park, NJ 07035

Re: Allegation of Child Abuse/Neglect concerning Re: **Rachel Canning**  
NJS#: 15210722 INTAKE ID#: 18772018

Dear Mrs. Canning:


New Jersey Law, as set forth in N.J.S.A. 9:6-8.11, requires the Division of Child Protection and Permanency to investigate all allegations of child abuse and neglect. On **October 30, 2013** the Division's Morris East Local office received allegations that **Rachel was abused**.

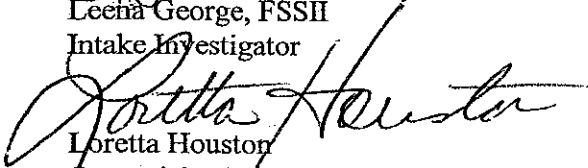
The Division conducted its required investigation and determined that the allegation of **Emotional Abuse** was **unfounded**. Therefore, the Division **will not** keep a record of the investigation results on its central registry of confirmed perpetrators of substantiated incidents of child abuse or neglect.

After three (3) years, all Division records associated with this investigation shall be expunged from Division files pursuant to N.J.S.A. 9:6-8.40a, unless, during that time, the Division receives an additional referral regarding the child, family or the alleged perpetrator, or the Division provides services to the family. If the outcome of a child protective service investigation, a criminal investigation or a court proceeding involving the alleged perpetrator, the child or a member of the family is pending, a court orders that the record be retained, or the Commissioner of the Department of Human Services requests that the record be retained, the Division shall retain rather than expunge the record in accordance with N.J.A.C. 10:129A-4.3.

Current law provides that this information may not be disclosed by anyone, including you and the Division, to anyone except as permitted by N.J.S.A. 9:6-8.10a.

Sincerely,

  
Leena George, FSSII  
Intake Investigator

  
Loretta Houston  
Supervising Family Service Specialist II



From: dad canning grachel1@optonline.net  
Subject: FW: Re: Home  
Date: December 26, 2013 at 22:03  
To: dad canning grachel1@optonline.net

---

----- Begin forwarded message -----

Subject: Re: Home

Date: 11/20/13 06:00:58 PM

From: "Rachel Canning" <[rachecanning@gmail.com](mailto:rachecanning@gmail.com)>

To: "Daddy" <[grachel1@optonline.net](mailto:grachel1@optonline.net)>

Well im not coming home if I cant see him. Oh and get your facts straight I didnt call dyfis. Morris Catholic did. get over yourself.

On Nov 20, 2013 5:24 PM, "Sean Canning"  
<[grachel1@optonline.net](mailto:grachel1@optonline.net)> wrote:

Hey Rachel

we got your message (yes I passed along to Mom since she wasn't cc'd remember we do everything together so you have to address both of us...yolo)

Ok..... We understand you want to come home, we're just not sure you are where you need to be and we're not really sure you have addressed on your end what needs to be addressed.

First of all things have changed, the calling of dyfs certainly put a damper on things. thats being kind about an incredibly mean and vicious bout of allegations that were made at us. Going forward if you come home you'll find things have changed as well its not a walk in and receive all the benefits you used to, we're not sure

you're gonna be ok with that.

Let me list the major one:

Incredible lack of respect towards Mom, this is a bedrock thing and if we can't get past this then it ends here.

As far as the boyfriend, yeah, you might not agree and sure you don't but that has been as much a drag on you as anything, if you're home he's not around or involved in your life. This might be tough for you so yes you have to deal with it. Its a non starter to say you will do all else and still keep him, we're no better than we were a month ago then.

Before coming home, counseling we had one setup for you, you need to start going before coming back.

There are other things that we can address if we get closer but those are the major ones. You have to make sure you're willing to commit seriously to a change because the house has been absolutely tension free, argument free, and you have to win back your sisters trust and love as well, theres been damage there.

We love you, but the events leading up to what happened cant and wont happen again.

> On Nov 20, 2013, at 13:02, [rachecanning@gmail.com](mailto:rachecanning@gmail.com) wrote:

>

> So can I come home?(:

>

> Sent from my iPad

LAURIE RUSH-MASURET, P.A.  
Laurie Rush-Masuret, Esq.  
75 Claremont Road  
Bernardsville, New Jersey 07924  
(908) 953-0042 // (908) 953-0087 [facsimile]  
*Attorney for the Defendants, Sean Canning and Elizabeth Canning*  
Canning, Sean.client.cert.2.25.2014

RECEIVED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

*Rachel M. ...*  
DEPUTY CLERK

RACHEL CANNING, : SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION - FAMILY PART  
*Plaintiff,* : MORRIS COUNTY  
: :  
v. : Civil Action  
: DOCKET NO.: FD-14-397-14  
SEAN CANNING AND :  
ELIZABETH CANNING, : **CERTIFICATION OF**  
*Defendant.* : **SEAN P. CANNING**

FILED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

*Rachel M. ...*  
DEPUTY CLERK

Sean P. Canning, hereby certifies as follows:

1. I am a defendant in the above-referenced matter. I make this Certification in opposition to the Certification of the plaintiff, Rachel Canning (hereinafter referred to as "Rachel") and I am personally familiar with the facts set forth herein.

2. I am the biological father of Rachel, born November 1, 1995, as well as her two sisters, Danielle Marion Canning, born April 13, 1998, and Shayna Nicole Canning, born January 22, 2000.

3. Rachel was brought up in a loving and caring household. She was given love, attention, support and comfort. Materialistically, she was given just about everything she ever asked for, even if it meant that we had to go without. Rachel was never verbally or physically abused by either parent. In fact, we were always her support team, cheering her on or defending her whenever she had a problem.

4. On or about October 30, 2013, two days before her 18<sup>th</sup> birthday, Rachel ran away from home. Rachel was never "kicked" out of her home nor was she ever asked to leave. She took it upon herself to run away so that she could live her life without any parental supervision and without any rules.

5. Upon information and belief, Rachel is a full-time 12<sup>th</sup> grade student at Morris Catholic High School. Her enrollment in Morris Catholic was a privilege bestowed upon Rachel. In 8<sup>th</sup> grade Rachel expressed a desire to go to Morris Catholic for high school so that she could play basketball with them. We, as parents, giving everything we always could to our children, enrolled her. We made sure that we drove her to and from school every day, sometimes making as many as eight trips a day for practices, *etc.*

6. However, after the circumstances that occurred in the fall of 2013, with Rachel running away from her home, Morris Catholic was notified that we no longer supported the privilege of Rachel attending their school and we would no longer pay for her enrollment. The fall semester 2013 was completely paid up and we gave approximately a two month notice that the following semester would not be paid for. Our Contract, attached as part of Exhibit C to Rachel Canning's Certification, permits withdrawal of a student voluntarily, just requiring the semester they attended to be paid in full, which we paid. The fact that Plaintiff continues to attend Morris Catholic is of Morris Catholic's own volition.

7. Rachel lived in our house, under our supervision, until the morning of October 30, 2013, when she ran away after a disciplinary hearing at Morris Catholic wherein she was suspended for truancy (after having previously been suspended due to alcohol involvement at the Homecoming Dance). I attended a meeting that morning with Principal Loia and Dean of Students Shilling. They imposed a two day out of school suspension over my objection, as I requested an in-school suspension.

8. Upon being suspended, she attended work with me, at the Township of Mt. Olive, where she was to conduct a routine inventory of equipment, as punishment for her suspension. Despite our having imposed a punishment for the suspension she was picked up by her unsupervised and also suspended boyfriend, Lucas Kitzmiller, in the Mt. Olive Township parking lot, within an

hour of her arriving there and upon information and belief she went to the Kitzmillers' home.

9. At some time during the late morning/early afternoon of October 30, 2013, Mrs. Kitzmiller contacted my wife at work stating that she had both Rachel and her son, Lucas, at her house and that for the sake of our children, I needed to contact Morris Catholic and tell them that Rachel had my permission to be at her house. My wife vociferously refused to comply with this and indicated to Mrs. Kitzmiller that they need to be accountable for their actions. Mrs. Kitzmiller stated that the only thing that mattered was that we get them into a good college and the accountability for cutting school upon a return from yet another suspension was not important. She went on to state that with the changes that were recently made with the staff of Morris Catholic, that this needed to be done to ensure that the "children" did not get in trouble. This conversation was overheard by Lucas and Rachel. My wife was attempting to exert moral and legal parental authority over our daughter despite the enabling and parental interfering behavior of Mrs. Kitzmiller, which undermined our parenting and rules.

10. At approximately 11:30 AM on October 30, 2014 Rachel returned to Morris Catholic and alleged emotional and mental abuse to the counsellors, who then apparently contacted DCPD. On the afternoon of October 30, 2013, Rachel sought permission from Mr. Schilling, the disciplinarian at Morris Catholic, to go to the Kitzmiller's home, rather than to return to her home. Mr. Schilling contacted us and permission was granted. Rachel stayed there two nights, and then was advised by Morris Catholic she could not continue to stay with her boyfriend. Rachel then moved in with the Inglesino family.

11. The weekend prior to Rachel running away, she had asked if we would allow her to stay at her boyfriend's house for the weekend. We told her that she absolutely could not do so. She responded by saying that "she was almost 18

years old and once she turned 18 years old, she could do whatever she wanted because she was an adult”.

12. We told Rachel that while it was true that she was going to be 18 years old in one week, that did not mean that she could do whatever she wanted. We further went on to tell her that as long as she lived in our house, she had to follow our rules. Rules which we had given to her that were in no way strict and stifling.

13. Rachel, leading up to her 18<sup>th</sup> birthday, had bragged to her sisters that she was going to be staying at her boyfriend’s house all weekend prior to the events surrounding her running away the morning of October 30, 2013.

14. The rules that Rachel had to abide by while in our house were easy. She had to get good grades. She did not have to get all As, but she had to put effort into her school work. She had to let us know where she was, who she was with, and when she would be coming home. She was given curfews anywhere from 11:30 PM to as late as 1:30 AM, depending on what she was doing. She was told to never touch drugs. She was told to never drink and drive or get in a car with someone who was drinking. She was told that if she ever got stuck in a situation, to call us and we would come and get her. She was not, however, given permission to drink as she was doing during the fall of 2013 when she was telling us that she needed rides to and from parties so that she could get drunk. That was unacceptable in our eyes and we would not shuttle her to parties giving our permission for her to drink. On October 29, 2014 the night before she left, we had told her she could no longer see her boyfriend due to the suspension and his poor influence on her and we took away her phone and car privileges.

15. Between August and October 30, 2013, Rachel routinely (every weekend) would attend parties, become intoxicated, and seek approval and rides from Elizabeth and I, knowing that we did not condone this excessive behavior. She was routinely brought home drunk by the Kitzmillers, well past her curfew.

16. Her obsession with alcohol induced parties extended to a family dinner in early October 2013 at Cinders restaurant in Mine Hill, where after months of being out of control at home, she requested us to host an alcohol party for her 18<sup>th</sup> birthday. We denied this request. She became angry at the family dinner for the rest of the evening.

17. Rachel also repeatedly had made it known within the household through October and leading up to her 18<sup>th</sup> birthday that when she turned 18, "she won". When pressed what this meant she never revealed in conversation while home. Rachel also had started threatening filing a lawsuit against Mr. Schilling from Morris Catholic for making her miss her Homecoming Dance.

18. On or about October 5, 2013, Rachel committed a theft on my wife's credit card, which card was given to her for the purpose of purchasing presents (shirts and jeans) for my birthday. Upon questioning by Elizabeth as to the whereabouts of the shirts, Rachel became evasive. Several days later we discovered that she never purchased all of the birthday presents, but used the credit card to purchase clothing for herself.

19. On October 22, 2013 at 9:45 AM Rachel sent us an email, attached hereto as Exhibit A, to apologize for all of the infractions and behavior she had committed and promised to turn over a new leaf. She ran away one week later.

20. Rachel's allegation that we demanded that she get a basketball scholarship is not true. Rachel was given a choice to play at Boonton High School, where she would have had a chance of a partial scholarship, or Morris Catholic, where she would have likely been a role player. Had we demanded she get a scholarship, the choice would have been Boonton High School.

21. Rachel had been playing in numerous AAU basketball tournaments. One March 2011 morning, when Rachel was a freshman, I picked her up from the Inglesino household, after she had stayed the night, only to discover that she was hungover from a night of drinking vodka at the Inglesino home. Upon arrival at

the tournament, she threw up on the sidewalk and in a garbage can at the Rothman Center, on the campus of FDU Hackensack.

22. Rachel's allegation that we forbade her to have a boyfriend during freshman year is untrue. In fact, we would drive her to her boyfriend's house in Randolph, NJ, on a weekly basis; all the while being lied to that there were numerous friends watching movies at his house; only to find out at a later date, that there was actually alcoholic parties occurring without our knowledge.

23. Rachel's eating disorders cannot be blamed on either of us. In April of 2012, Rachel was invited to the prom and approached my wife that she was going to start a diet, in preparation for the prom. From June through July of 2012, there appeared evidence in the house of a possible eating disorder. Upon our return from vacation that year, my wife had realized that Rachel was more than "dieting". Elizabeth went through Rachel's room and pulled out two extra-large black garbage bags filled with vomit. Upon this discovery, my wife confronted Rachel. Rachel broke down and admitted she had a problem. It was extremely emotional for all. At no time whatsoever did my wife ever blame Rachel. Instead, she told her time and time again that she would get through this with our support. My wife supported Rachel throughout this entire ordeal. During this time, my wife brought her to various therapists, who diagnosed her with anorexia and bulimia. My wife also took her a nutritionist, who, along with the therapist, medication and proper maintenance, helped her. My wife was and is her biggest supporter in trying to get her treated and get her disease in check.

24. Because of Rachel's eating disorders and my wife's determination to get her healthy, Rachel developed hatred toward my wife. Besides being very disrespectful toward her, she also tried on numerous occasions to cause a divorce between me and my wife. At one point, she even attempted to open a dating profile for me.

25. We were having marital problems and became separated on Memorial Day 2013. Although we continued to live together until July 5, 2013, we were



not living as husband and wife. Rachel had decided long before I moved out that she was going to move in with me. She did not want to live at home with my wife. She believed that by not having to live with her Mother, she would no longer have to take her medication or have to live by any rules. Rachel had her bags packed weeks before I had even decided that he was going to move out.

26. Rachel's allegation that I was going to say my wife was mentally abusive to Rachel is factually untrue. I never at any time said that.

27. Rachel's allegation that there was anything other than a father/daughter relationship is utterly offensive. At no time was there ever anything other than a normal interaction. There was never anything remotely sexual or conduct that could be considered in any way sexual. I love my daughter – as a daughter – nothing more. She was the apple of my eye.

28. Rachel's allegations while she lived with me in Hackettstown about passing out, inappropriate affection, waking up to play beer pong, and my refrigerator being stocked with liquor are factually inaccurate and simply did not happen. These allegations are completely unsubstantiated and are offensive.

29. In October 2013, for my birthday, my wife and I went to Las Vegas, something we had always wanted to do together. As our marriage had reunited and was thriving, we had always put off this trip but in celebration of our renewed commitment to one another we planned the trip from October 9 until October 14, a total of 5 days.

30. Knowing the girls' ages and the precautions we were putting into place, we felt comfortable leaving them with adequate resources and immediate assistance extremely close by.

31. In the weeks leading up to the trip we had offered to have their Grandfather stay with the girls but they vehemently objected to this. Their Grandfather is old school and lives differently than we do; he would make the girls conduct chores and eat whatever he made for dinner, something which our

girls have never done. If he had stayed at the house, which he gladly would have done, it would have meant the institution of rules and chores for the girls.

32. In the absence of their Grandfather staying at the house, we made arrangements with the following persons stop by the home, drive by and to ensure they were available to the girls in case of need. The girls were equipped with all the phone numbers as well, should they need assistance while we were away:

1. Rachel's Godfather, Mike Hackett, (who also was available to pick up Rachel at Morris Catholic on October 12 while we were away) lives less than ¼ mile away from the house. At the time of our trip, Mike was also a Lincoln Park Police Lieutenant and he ensured that the Police Department, and he personally, frequented Garden Street where we live.
2. Al Manfredi and his wife, Santa (?) Manfredi, are very close family friends who live six houses away. Al took the responsibility so seriously he stopped by or drove by the house several times each day. Their daughter and our second daughter are so close that each family considers the other girl's daughter their family member.
3. I personally contacted Chief Mark West of the Lincoln Park Police Department and ensured that the patrols of each shift patrolled our block and watched to see if any cars, other than our cars, were in the driveway. We left explicit instructions as to who should be at the house and there should be no vehicles at the residence other than our three cars. Patrols were informed and patrolled our street often.
4. The girls' Uncle, Eric Paseler, a Parsippany Patrol Officer was on call for the girls' availability and knew of our trip.
5. Our neighbor across the street, Suzanne Rehfus, who is often home and knows what goes on our street at most times, knew we would be away, had direct contact with my wife and I and was also available for the girls. She also had an eye on the residence with instructions from us. My wife texted and received several texts from her while we were away checking up on things from her perspective.
6. Lori Johnson, another family friend who lives a few blocks away from our house, was asked to be on call and oversee the residence as well.

Lori Johnson was provided with our contact information and her number was provided to each of the girls.

33. Food and financial wherewithal was provided for the duration of our trip.

Prior to our leaving our two refrigerators were stocked full with:

- chicken franciase;
- pizza;
- two homemade Stromboli's;
- one bottom round roast home cooked as an Italian roast beef;
- heads of lettuce for salad too numerous to count;
- salad items; and
- water, juice, soda, milk, cereal, frozen foods.

34. For the ease for our girls, my wife individually packed plates and bowls of the above food (except for the salad) and had them in the refrigerator so that the girls would not have to prepare anything. They simply would have to put the plate or bowl in the microwave. The salad was left unprepared because it may have wilted had it been kept in individual bowls.

35. When we left the girls had enough food that there was still a surplus when I arrived home on October 14<sup>th</sup>.

36. As to finances, the girls were left with \$300.00 in cash for any needs that they may have had. We had hoped that during this time Rachel would take her sisters out to a lunch or dinner at the mall to repair some of the strain that existed between them due to the recent months relationships. This did not happen as Rachel remained unconnected with her sisters.

37. We also were in constant contact with our children while we were away. We spoke and texted them many times each day. There were absolutely no problems, other than Rachel not being allowed to remain at her Homecoming Dance because of the allegations of alcohol use.

38. On October 12, 2013, we were contacted by Morris Catholic High School, and spoke with Mr. Schilling, who advised us that Rachel was suspected of drinking and had been heard bragging loudly, inside the Homecoming Dance,

about having "Everclear", a grain or vodka alcohol. Mr. Schilling relayed to us that Rachel had been seen in the parking lot with her boyfriend and several other boys acting in a suspicious manner, which caused the Morris Catholic authorities to search their vehicles. We advised Mr. Schilling that we were in Las Vegas on vacation and would have her Godfather pick her up.

39. Rachel had been breaking the rules at home so frequently between August and October 12<sup>th</sup>, the date of the homecoming dance, as this was also the same day as my birthday, that as a birthday present, I had asked her not to get in trouble for one weekend. Two days prior to the homecoming dance, Rachel had planned an open house "alcohol" rage, while we were away. We discovered this and thwarted her plans by alerting neighbors, the local police department, and close family friends who were keeping an eye on my daughters while we were away. Mr. Schilling also related to us that they had discovered plans for a post-homecoming dance alcohol party, presumably at our house, hosted by Rachel.

40. Rachel was suspended for this behavior for two days by Morris Catholic, being placed on probation for the rest of the fall semester and not being allowed to participate in the Peer Ministry Group because of her behavior.

41. DCPD did indeed contact us, but not until October 31, 2013. We have no knowledge how or by whom they were contacted, however from what was told to us by the caseworker it was clear Rachel had provided inaccurate information. Rachel had advised them that her furniture had been broken and her door had been kicked in by my wife. She also told the worker that she had threatened suicide and my wife's reaction was that she "high-fived" me. In addition she alleged that my wife mentally abused her and I physically abused her. Finally she alleged that we stole all of her monies for college. The caseworker came to our home, conducted an on-site investigation, took pictures and even interviewed our other daughters. All of the allegations were deemed false. This information was dispelled to the point where the case worker arrived as to the

opinion and conclusion that we had spoiled our child. (See letters attached as Exhibit B).

42. The college funds set aside for all of our children since birth had been premised on the fact of good behavior and the knowledge by all of our children that the funds would be used as far as the funds could provide for college. They could be used for an expensive four year institution or more affordable local college, that was up to the child. Anything expenses beyond what monies are provided in the existing accounts are, with full knowledge by our children, to be funded with student loans or scholarships, if possible.

43. Rachel did indeed request to come home on November 20, 2013 at 1:02 PM (see Rachel Canning Certification, Exhibit F). We responded to this e-mail with the caveat that, yes, she could come home subject to certain reasonable conditions:

- Respect to her parents, in particular her mother;
- Prohibition from seeing her boyfriend who has been in our opinion a poor influence and enabling one in her life;
- She receive counseling. We had set up a counseling session out of concern for her welfare on November 4, 2013 at the Sakowitz Counseling center in Lincoln Park. She was to see a counselor if she were to live at home; and
- A reiteration in the final sentence to her that we did indeed love her but did not want the misconduct of the prior months to repeat.

See e-mail dated November 20, 2013 attached as Exhibit C.

44. At 6:00 PM on November 20, 2013 Rachel responded to our email with:

- “Well Im not coming home if I can’t see him. Oh and get your facts straight I didn’t call DYFIS [sic]. Morris Catholic did. Get over yourself” (see attached Exhibit C).

45. Rachel’s allegation as to possessing a very nice boyfriend, in our opinion is subjective. In early fall of 2013, my wife was alerted by the cheer coach, Lisa

Decorso, that while Rachel was at a game in Mountain Lakes as a cheer captain, she had disappeared with Lucas Kitzmiller during halftime and failed to return until well along into the second half of the football game. There were twitter pictures posted by Rachel bragging about the fact that she and her boyfriend were wandering about the Mountain Lakes High School while their football team and cheer squad were conducting their extracurricular activities. Rachel was stripped of her cheer captaincy following this and other incidents wherein she was lying to cheerleaders, for example stating practice was being cancelled.

46. Since she commenced dating Lucas Kitzmiller, Rachel has frequently become obsessed with drinking every weekend as a result of dating him. Prior to her dating him, Rachel had been dating another boy through the summer of 2013 where they rarely, if ever, engaged in the heavy partying that was being exhibited nonstop every weekend in the fall of 2013.

47. Prior to fall of 2013 and dating Lucas Kitzmiller, Rachel had only been in trouble in school one time. After she started dating Lucas Kitmiller she was frequently in trouble with him and other boys, including the Homecoming Dance incident. In fact, she was suspended as a result of the Homecoming Dance activities. Upon Rachel's return to school, on the very first day, she cut school with Lucas Kitzmiller and called into school herself purporting to be my wife.

48. Rachel's allegations in her Certification that she was being abandoned are patently and blatantly untrue. At no time was she ever "kicked out" or told to leave. She was given rules – rules which were extremely reasonable and liberal considering the lack of disregard of her home. She did not want to have to follow any.

49. At no point did we ever ask the Inglesino family to take our daughter in. This has been conducted of their own volition and at their own knowledge.

50. If the Inglesino family had not enabled this situation to an absurd level, Rachel may have actually learned a vital life lesson and returned home and kept

our family whole. Instead the Inglesino Family has made a difficult situation horrible and broken apart a family. Under the guise of good intentions, they have arrogantly placed themselves in our stead and operated under the belief that their parenting style is somehow superior to our own.

51. The Inglesino household, according to Rachel in the past, is more lenient. She would often tell us how the Inglesino parents would allow alcoholic parties to be held at their house. Rachel was angry at us because we would not host an alcoholic party. Rachel's first time drinking alcohol was at the Inglesino house, in March of 2011 and on other occasions including their daughters 15<sup>th</sup> birthday where they have freely provided alcohol. Rachel came home bragging saying that during the limo ride to NY, Mrs. Inglesino gave all the girls wine coolers to drink. This type of behavior we did not condone.

52. We were contacted by DYFS on October 31, 2013, wherein the case worker requested to come by our house to discuss the matter.

53. DYFS had conducted a thorough and extensive investigation of our home, a lengthy household visit which dispelled Rachel's lies about broken furniture. The case worker also interviewed our other daughters and OFFICIALLY came to the conclusion that the allegations were UNSUBSTANTIATED. There was no truth to the allegations other than the current smokescreen and cover for misbehavior by Rachel. In fact, the case worker told us that it was in her opinion that we spoiled our daughter. We gave her too much.

54. The assertion that Rachel paid for her own car is factually incorrect. In the interest of providing her a brand new Volkswagon Jetta, we expended a down payment plus fees of over \$2,000.00. In addition, I guaranteed a Lease in my name with my credit. Rachel, in exchange for use of this car, was to work and pay for monthly lease payments, in addition she agreed to maintain and upkeep the brand new vehicle.

55. In late 2012, prior to her 17<sup>th</sup> birthday Rachel actually stole the vehicle while being underage to drive—knowingly doing so without a valid NJ Driver's license. I drove by a street and saw her driving in the car. She saw me and immediately turned the car around. We discussed what could have happened to her legally if she got caught and from that point on made sure her car keys were locked up, only taking them out to practice driving with her, until she was legally permitted to drive.

56. Rachel kept the vehicle in such a state of disarray that a water bottle at one point rolled under the brake pedals, she lost control and struck a mailbox incurring over \$600 worth of damage, which we paid for and she only partially compensated us for.

57. Rachel was repeatedly stopped for speeding by police in Morris County and the State Police resulting in the taking away of her vehicle privileges and at one point a threat to remove her from our insurance. This all occurred in a time frame of approximately eight months.

58. The fact that Rachel lives at the Inglesinos' home is a private matter purely between her and the Inglesinos. Our door has been open from the outset subject to extremely liberal rules of conduct within our household. The Inglesinos, while purporting to help, have actually been a tremendous hindrance in family healing.

59. Rachel has been beyond our sphere of influence since she ran away from the Mount Olive Township lot aided by her unsupervised and suspended boyfriend the morning of October 30, 2013. We have had no chance to interact positively with her. She spurned the counseling we had set up for her. Our offer to allow her to move back home was met with insult. It also appears that she decided to apply to numerous colleges, without our knowledge, input or consent, and now expects us to pay for these schools.

60. I do not believe that we should have to pay for the college of Rachel's choice inasmuch as we have had no parental guidance or influence in that



selection. We have had no input into any of the colleges applied to by Rachel since the fall of 2013. She has completely alienated us yet expects us to pay for college. There have been colleges applied to which we would not have approved if there were no promise of scholarship.

61. Money has been set aside for our children with the full knowledge that these would be the extent of the funds provided and anything beyond that money was the responsibility of our children through loans or scholarships. Notwithstanding this, Rachel has taken the position she is going to apply to wherever she seems to desire without our input and send us the bill.

62. Rachel has had full knowledge for her entire lifetime, that whatever the college funds were in existence were the extent of what we would contribute, the rest of the tuition and expenses would be funded by student loans or scholarships. All our children know this.

63. Rachel is expecting to live away and at a certain status in college that has not been conveyed to us and again we have had no influence, no say in the matter nor has our opinion been sought by anyone involved in her college applications.

64. Rachel's documented accounts with an eating disorder occurred long before the fall of 2013 and any calls or claims to DYFS. As her parents, we provided her during the summer and fall of 2012 right up to her running away in fall of 2013 with medical assistance including therapy and medication. Requiring Rachel to take medication resulted in an obsessive, rage-filled reaction as she desired to be free of any constraints.

65. The current therapist was never screened by us, provided for by us nor has she ever spoken to us as her parents yet she still has an "opinion." Moreover we received the bill for the portion that insurance has not covered. It appears the Inglesinos chose this therapist and obviously by hiring her they usurped any parental authority we may have had over the matter.

66. Rachel alleges that the government paid for my Master's degree. This is inaccurate. I paid for my Degree entirely. My former employer had no part in paying for it.

67. Mr. Inglesino's attempt to reconcile with us consisted of a Christmas Eve breakfast at Paul's Diner in Mountain Lakes. During our discussion we related our own versions of living with Rachel and our opinions as to her character, discipline history, and eating disorders. During this conversation I kept telling him that Rachel needed to live by the rules at home and we spoke of our own childhoods. Mr. Inglesino agreed that his parents would never have stood for Rachel's conduct.

68. There was never any discussion of any particular monetary requests or needs of Rachel during my conversations with Mr. Inglesino, and he never spoke of his desire for compensation. In fact, at one point late in the conversation, I had to make mention of what dollar amount they were talking about and that Rachel should return home forthwith and live under her parents' rules.

69. Mr. Inglesino never made mention of a figure, but told me that we would receive a letter which demanded an answer by January 3, 2014 and suggested I get a lawyer. That was the extent of the "consent" by Mr. Inglesino. A shakedown on Christmas Eve, while my daughter was being enabled by them and missed Christmas with her family. In fact, at one point Mr. Inglesino advised that he had the means to fund a lawsuit and alluded that I was not able to do so.

70. Rachel had food, shelter, education and a loving family. Despite these comfortable circumstances, she choose to blatantly flout very liberal rules, steal from her family wantonly and run away. The offer to come home is still open to her, but she refuses because she wants to do whatever she feels like doing while we pay all the bills.

71. Rachel, if indeed unemancipated, should return forthwith to her home under her parents' care (which has already been found by the ONLY COMPETENT STATE AUTHORITY that is empowered to do so) as an abuse-free domain and household. We never wanted her to leave. She ran away on her own. She was and is always welcome back to her home.

72. Rachel and the Inglesino family can continue this charade all they desire. The fact is that Rachel has and has had in her life a loving, caring nurturing home with all the material benefits, including private school, a new car, college funds and fashion clothes. The fact that she decided to run away and not abide by household rules is of her own volition and enabled by the Inglesino family who have arrogantly stated that their brand of parenting is somehow superior.

73. The fact that the Inglesino family has subsidized a lawsuit, rather than providing responsible guidance in abiding by a parent's rules is not an acceptable societal norm.

74. Rachel makes our case perfectly in her Certification. We had arranged for psychological care, and have provided in the past for this therapy, this is not a new situation for Rachel and one she had provided at home. The fact that she moved in with the Inglesino family after running away and that they took her in is a private matter for Rachel and the Inglesino family.

75. Rachel clearly had a choice in the fall of 2013 and well before to stay home. Despite the numerous acts of disobedience, including numerous acts of theft, including a car, money, jewelry, and clothing, the numerous acts of violating curfews ranging from 11:30PM to 1:30AM, the suspensions from school, the stripping of captaincy of a cheer squad due to lying and alcohol problems, we allowed her to continue at private school. She clearly was not forced out of her home.

76. Rachel has always been allowed to come home but has decided that she wants to live life on her terms yet have her parents pay for this lifestyle. She is to this day welcome home as we have expressed in the past. There has never

been an abusive relation at home which has been attested to by DYFS. We, to this day, would welcome her home. We love her. Her sisters love her. We need to make our family whole.

77. Rachel has to realize, as does anyone living in a home, that there are rules. We have two younger daughters who are also being influenced and we have great concern for their upbringing. We cannot allow a situation where there is wanton rule breaking and no consequences. What will become of our other two teen daughters? What will become of society?

78. It should be noted that throughout all of our dealings with Morris Catholic, at two suspension hearings and the incident of the Homecoming dance the following persons were who we dealt with directly:

- Mr. Shilling, Dean of Students;
- Principle Loia; and
- Dr. Gradone

None of the above persons provided a Certification and it is the absence of these Certifications that is glaring. They are the people with whom we met. They are the people who contacted us when there were problems. In fact, I never heard of Kathleen Smith, from Morris Catholic who was one of the people who provided a Certification. Similarly, we never met the therapist. As far as Mr. St. Pierre, his Certification was all about the tuition.

79. I would expect that the Certifications from the persons cited in paragraph 78 above would be amongst the exhibits. The truth is we were not appalling in our behavior but exhibited one of parenting and love and concern for a child despite the enabling influences which have made this a mockery.

80. Rachel is loved, and welcome home along with all the benefits of living at home. This charade of abuse is one that has been constructed and perpetuated by someone who admittedly is in need of psychological assistance and through the well intentions of others has been enabled. We want her home. We want our family whole again.

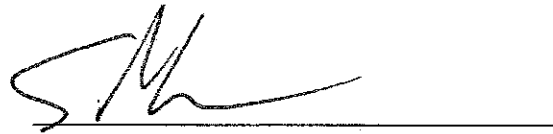
RECEIVED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

  
DEPUTY CLERK

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

Dated: February 28, 2014



SEAN P. CANNING

RECEIVED  
SUPERIOR COURT  
OF NEW JERSEY

FEB 28 2014

CERTIFICATION

  
DEPUTY CLERK

In accordance with R. 1:4-4(c), the within Certification is submitted for filing with a facsimile of the original signature.

I, Laurie Rush-Masuret, Esq., attorney for the defendant certify that the affiant acknowledges the genuineness of the signature and that the document or a copy with an original signature affixed will be filed if requested by the Court or a party to the action.

LAURIE RUSH-MASURET, P.A.

Dated: 2/28/14

BY:   
LAURIE RUSH-MASURET

From: dad canning grachel1@optonline.net  
Subject: FW: My behavior  
Date: December 26, 2013 at 22:04  
To: dad canning grachel1@optonline.net

---

----- Begin forwarded message -----

Subject: My behavior

Date: 10/22/13 09:45:19 AM

From: [rachecanning@gmail.com](mailto:rachecanning@gmail.com)

To: "Liz Canning" <[eacanning@optonline.net](mailto:eacanning@optonline.net)>, "Sean Canning" <[grachel1@optonline.net](mailto:grachel1@optonline.net)>, [scanning@mtolivetwp.org](mailto:scanning@mtolivetwp.org)

Hey guys,

Listen I just want to apologize in advance for my acts. I really need to realize that there are consequences for the things that I do. I take full responsibility for my lack of vocabulary as describing the school. I also know that in your eyes I have been nothing more than a disappointment and I really am sorry for that. It's one thing after another and I know that the majority of the problems evolve from my own wrong doing. I am my biggest enemy and whether you guys see it or not I am trying to change. I know you're probably shaking your head and rolling your eyes at that previous sentence but its true. In addition you probably believe that every word out of my mouth is utter nonsense and actions do speak louder than words. However change simply does not occur overnight. I have been trying to put one foot in front of the other in order to restore relationships with the family and get my life back on track. I need to learn how to balance everyone and incorporate my family more in my life. I do miss you guys and I do also know that a change has to be made. Furthermore pled note that I am trying, I am not going to be successful overnight and I ask that you bear with me. I love you guys and I am trying to turn over a new leaf.

Have a great day

Love Rachel





STATE OF NEW JERSEY  
DIVISION OF CHILD PROTECTION AND PERMANENCY  
MORRIS EAST LOCAL OFFICE  
201 LITTLETON ROAD  
MORRIS PLAINS, NJ 07950  
TEL: 973-829-3600 FAX: 973-656-3575\3576

Chris Christie  
Governor

ALLISON BLAKE  
Commissioner

December 16, 2013

Mr. and Mrs. Canning  
10 Garden Street  
Lincoln Park, NJ 07035

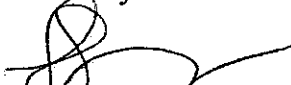
**Re: Rachel Canning NJS ID#: 15210722**

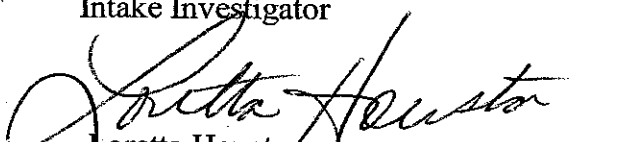
Dear Mr. & Mrs. Canning:

The Division has completed its involvement with regard to the above mentioned child. At this time there is no need for further services and the family has not requested for continued services from the Division. Therefore we have terminated our agency's involvement effective **December 16, 2013**.

Thank you for your help and cooperation during our contacts with your family. If in the future you should need our services please feel free to contact the State Central Registry 24 hour service number at 1-877-652-2873.

Sincerely

  
Leena George, FSSII  
Intake Investigator

  
Loretta Houston  
Supervising Family Service Specialist II



STATE OF NEW JERSEY  
DEPARTMENT OF CHILDREN AND FAMILIES  
DIVISION OF CHILD PROTECTION AND PERMANENCY  
MORRIS EAST LOCAL OFFICE  
201 LITTLETON ROAD - GROUND LEVEL  
MORRIS PLAINS, NJ 07950  
973 829-3600

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Allison Blake, PH.D., LSW  
Commissioner

December 16, 2013

Mrs. Elizabeth Canning  
10 Garden Street  
Lincoln Park, NJ 07035

Re: Allegation of Child Abuse/Neglect Concerning: Rachel Canning  
Case ID#: 15210722 Intake ID#: 18772018

Dear Mrs. Canning:

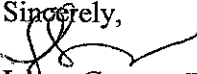
New Jersey Law, as set forth in N.J.S.A. 9:6-8.11, requires the Division of Child Protection and Permanency (CP&P) to investigate all allegations of child abuse and neglect. On **October 30, 2013** the Division's Morris East Local Office received an allegation that **Rachel was abused**.

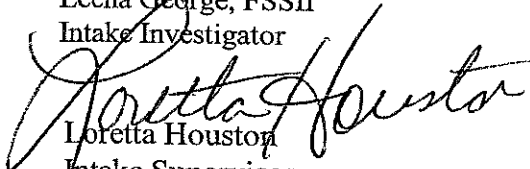
The Division conducted its required investigation and determined that the allegation of **Emotional Abuse was unfounded**. Therefore, the Division will not keep a record of the investigation results on its central registry of confirmed perpetrators of substantiated incidents of child abuse or neglect. The Division **will not** be providing further services to you and your family.

After three (3) years, all Division records associated with this investigation shall be expunged from Division files pursuant to N.J.S.A. 9:6-8.40a, unless, during that time, the Division receives an additional referral regarding the child, family or the alleged perpetrator, or the Division provides services to the family. If the outcome of a child protective service investigation, a criminal investigation or a court proceeding involving the alleged perpetrator, the child or a member of the family is pending, a court orders that the record be retained, or the Commissioner of the Department of Human Services requests that the record be retained, the Division shall retain rather than expunge the record in accordance with N.J.A.C. 10:129A-4.3.

Current law provides that this information may not be disclosed by anyone, including you and the Division, to anyone except as permitted by N.J.S.A. 9:6-8.10a.

Sincerely,

  
Leena George, FSSII  
Intake Investigator

  
Loretta Houston  
Intake Supervisor



STATE OF NEW JERSEY  
DIVISION OF CHILD PROTECTION AND PERMANENCY  
MORRIS EAST LOCAL OFFICE  
201 LITTLETON ROAD  
MORRIS PLAINS, NJ 07950  
TEL: 973-829-3600 FAX: 973-656-3575\3576

CHRIS CHRISTIE

Governor

December 16, 2013

ALLISON BLAKE

Commissioner

Mr. Sean Canning  
10 Garden Street  
Lincoln Park, NJ 07035

Re: Allegation of Child Abuse/Neglect concerning Re: **Rachel Canning**  
NJS#: 15210722 INTAKE ID#: 18772018

Dear Mrs. Canning:


New Jersey Law, as set forth in N.J.S.A. 9:6-8.11, requires the Division of Child Protection and Permanency to investigate all allegations of child abuse and neglect. On **October 30, 2013** the Division's Morris East Local office received allegations that **Rachel was abused**.

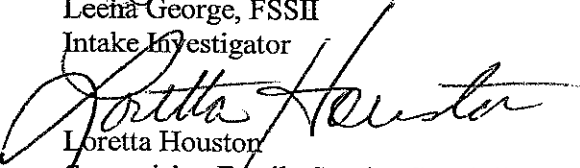
The Division conducted its required investigation and determined that the allegation of **Emotional Abuse** was **unfounded**. Therefore, the Division **will not** keep a record of the investigation results on its central registry of confirmed perpetrators of substantiated incidents of child abuse or neglect.

After three (3) years, all Division records associated with this investigation shall be expunged from Division files pursuant to N.J.S.A. 9:6-8.40a, unless, during that time, the Division receives an additional referral regarding the child, family or the alleged perpetrator, or the Division provides services to the family. If the outcome of a child protective service investigation, a criminal investigation or a court proceeding involving the alleged perpetrator, the child or a member of the family is pending, a court orders that the record be retained, or the Commissioner of the Department of Human Services requests that the record be retained, the Division shall retain rather than expunge the record in accordance with N.J.A.C. 10:129A-4.3.

Current law provides that this information may not be disclosed by anyone, including you and the Division, to anyone except as permitted by N.J.S.A. 9:6-8.10a.

Sincerely,

  
Leena George, FSSH  
Intake Investigator

  
Loretta Houston  
Supervising Family Service Specialist II

PeopleFIRST

NJ Department of Human Services

New Jersey Is An Equal Opportunity Employer - Printed on Recycled Paper and Recyclable

From: dad canning grachel1@optonline.net  
Subject: FW: Re: Home  
Date: December 26, 2013 at 22:03  
To: dad canning grachel1@optonline.net

----- Begin forwarded message -----

Subject: Re: Home  
Date: 11/20/13 06:00:58 PM  
From: "Rachel Canning" <rachecanning@gmail.com>  
To: "Daddy" <grachel1@optonline.net>

Well im not coming home if I cant see him. Oh and get your facts straight I didnt call dyfis. Morris Catholic did. get over yourself.

On Nov 20, 2013 5:24 PM, "Sean Canning"  
<grachel1@optonline.net> wrote:

Hey Rachel

we got your message (yes I passed along to Mom since she wasn't cc'd remember we do everything together so you have to address both of us...yolo)

Ok..... We understand you want to come home, we're just not sure you are where you need to be and we're not really sure you have addressed on your end what needs to be addressed.

First of all things have changed, the calling of dyfs certainly put a damper on things. thats being kind about an incredibly mean and vicious bout of allegations that were made at us. Going forward if you come home you'll find things have changed as well its not a walk in and receive all the benefits you used to, we're not sure

you're gonna be ok with that.

Let me list the major one:

Incredible lack of respect towards Mom, this is a bedrock thing and if we can't get past this then it ends here.

As far as the boyfriend, yeah, you might not agree and sure you don't but that has been as much a drag on you as anything, if you're home he's not around or involved in your life. This might be tough for you so yes you have to deal with it. Its a non starter to say you will do all else and still keep him, we're no better than we were a month ago then.

Before coming home, counseling we had one setup for you, you need to start going before coming back.

There are other things that we can address if we get closer but those are the major ones. You have to make sure you're willing to commit seriously to a change because the house has been absolutely tension free, argument free, and you have to win back your sisters trust and love as well, theres been damage there.

We love you, but the events leading up to what happened cant and wont happen again.

> On Nov 20, 2013, at 13:02, [rachecanning@gmail.com](mailto:rachecanning@gmail.com) wrote:

>

> So can I come home?(:

>

> Sent from my iPad