

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TERESA A. OWEN,

Plaintiff,

v.

Case No. 17-1036-JTM

DISTRICT COURT OF SEDGWICK
COUNTY, EIGHTEENTH JUDICIAL
DISTRICT, ET AL.,

Defendants.

**MEMORANDUM AND ORDER
DENYING REQUEST FOR CHILD CUSTODY ORDER**

On February 10, 2017, plaintiff Teresa Owen filed a pro se complaint against the District Court of Sedgwick County, Eighteenth Judicial District, the Kansas Department for Children and Families, and two social workers, alleging federal civil rights claims surrounding the Child in Need of Care proceedings of her two daughters, conducted in Sedgwick County, Kansas District Court. This matter is before the court on plaintiff's Ex Parte Application for [an] Order to Give Custody of Children to Parents (Dkt. 5). The domestic relations exception, however, divests federal courts of power to issue divorce, alimony, and child custody decrees. *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992); *Vaughan v. Smithson*, 883 F.2d 63, 65 (10th Cir. 1989). Likewise, the Rooker-Feldman doctrine bars this court's review of the child custody determination. *Winters v. Kansas Dep't of Soc. & Rehab. Servs.*, No. 10-2181-JAR, 2011 WL 166708, at *6 (D. Kan. Jan. 19, 2011) ("The Rooker-Feldman doctrine prevents federal courts from assuming jurisdiction over cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments."), *aff'd*, 441 F. App'x 611 (10th

Cir. 2011). Because this court lacks jurisdiction to modify or declare void a child custody decision of the state court, plaintiff's application is denied. See also Fisher v. Lynch, Case No. 07-2154-KHV, 2007 WL 2225943, at *1 (D. Kan. July 31, 2007) (overruling motion for preliminary injunction because federal court lacks jurisdiction to enter and modify child custody decree).

IT IS THEREFORE ORDERED this 15th day of February, 2017, that plaintiff's Ex Parte Application for [an] Order to Give Custody of Children to Parents (Dkt. 5) is **DENIED**.

s/ J. Thomas Marten
Chief United States District Judge