

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

312021CA000583XXXXXX
CASE NO.: _____

SUPEE SPINDLER
On behalf of NISARAT JITTASONTHI,
Petitioner.

vs.

DEPARTMENT OF CHILDREN AND FAMILIES
Respondent,

CATHOLIC CHARITIES
Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

1. This court has jurisdiction pursuant to Section 394.459(8) and Section 79.01, Florida Statutes.
2. Petitioner is the legal guardian of Nisarath Jittasonthi who is her daughter and a forty-seven (47) year old disabled adult. The legal guardianship was established in Thailand. Nisarath Jittasonthi does not speak English, only Thai.
3. On February 25, 2021, Petitioner was wrongfully accused of human trafficking of her daughter which was all a mistake. The allegations were discovered later to be false and were made by a disgruntled employee. The Petitioner was cleared of all wrongdoing and no charges of any kind were filed. Nisarath Jittasonthi was going to work with her mother, the Petitioner to have supervision and was doing small tasks like folding laundry at the Petitioner's business, The Thai House of Therapeutic Massage. Further, there were no findings of abuse. At the time of the investigation, the Department of Children and Families Adult Protective Services took custody of Nisarath Jittasonthi from Indian River County and to an unknown location which the Petitioner believes is Catholic Charities. The Petitioner has not been able to see her daughter and only has spoken to her a

few times. Despite the complete clearance of any wrongdoing, Nisarat Jittasonthi has not been returned to the custody of the Petitioner who is her guardian as established in Thailand. See attached paperwork.


4. Petitioner believes that Nisarat Jittasonthi is being held unlawfully by the Department of Children and Families. Petitioner has not been told where the Department of Children and Families is holding Nisarat Jittasonthi, but believes they transported her from Indian River County to Palm Beach County. Petitioner has attempted to contact many people including the Thai Embassy, her state representative Erin Grall, DCF Adult Protective Services Investigator Sennett Lewis and DCF Social Worker Ivonne Vadi, and no one has helped her with the return of her daughter or explained how and why she is being held.
5. Petitioner believes that Nisarat Jittasonthi is being deprived of her freedom for invalid and illegal reasons. Petitioner believes that this confinement is illegal because there is no court order and no findings giving the Department of Children and Family any authority over her daughter Nisarat Jittasonthi.
6. Petitioner believes that her daughter is being unjustly denied a right or privilege or that a procedure authorized by law is being abused. This is because again, there is no authority for the Department of Children and Families to act on her behalf or to hold her against her will. Nisarat Jittasonthi has the mental capacity of about an eight (8) year old. She cannot live on her own and needs constant supervision. In the two times that the Petitioner has been able to speak with her daughter, the conversations were clearly manipulated by others. Nisarat Jittasonthi has medical issues including seizures and needs medications. She is allegedly confined in a room by herself with a tv, is given meals three times a day and is not allowed to go out of the room except to go to the garbage. The Department of Children and Families should not be making medical decisions for Nisarat Jittasonthi. The Petitioner has serious concerns for her daughter's safety, mental health and well-being. The Petitioner does not even know if an interpreter is being provided for communication when she sees the social worker.
7. There are also immigration issues that should not be dealt with by the Department of Children and Families. Nisarat Jittasonthi has family in Thailand

and if she desires to return to live with her sister in Thailand, then she can do so. Petitioner was even required to take a DNA test to prove Nisarat Jittasonthi is her daughter. The Petitioner is working with both Attorney James Benincasa and the Thailand Embassy. Nisarat Jittasonthi originally had been living in Thailand with her aunt and attending a special school. The aunt was the Petitioner's sister and passed away. Nisarat Jittasonthi came to the United States to live with her mother, the Petitioner. Pending at this time is the Form I-130 Petition for Alien Relative for Nisarat Jittasonthi to stay here; however, Nisarat Jittasonthi must return to Thailand in order to come back as an approved permanent citizen. She can stay with her sister who resides in Thailand until she can return. Without returning to Thailand, she cannot legally be in the United States. The Department of Children and Families and their placement with Catholic Charities is endangering Nisarat Jittasonthi's legal status.

8. The Petitioner has been forced to hire counsel on behalf of her daughter to have her released from confinement. The Petitioner is requesting that those responsible for the wrongful confinement be responsible for such fees and costs.

WHEREFORE, Petitioner respectfully requests that this Court enter an Order setting a return hearing on this Petition for Writ of Habeas Corpus for respondents to show by what legal authority they are holding Nisarat Jittasonthi, for attorney's fees and such other relief as may be just and necessary.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.



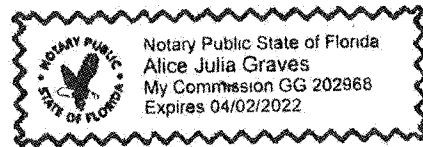
Supee Spindler

STATE OF FLORIDA)
COUNTY OF INDIAN RIVER)

I **HEREBY CERTIFY** that on this 26th day of August, 2021, before me the undersigned authority, personally appeared Supee Spindler, who produced FL DL as identification or who is personally known to me to be the person described herein and who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the county and state and on the date aforesaid.


Notary Public
My Commission Expires:



I **HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished by e-service delivery and/or process server to the Department of Children and Families and Catholic Charities on this 26th day of August 2021.

LAW OFFICE OF A. JULIA GRAVES, P.A.
Attorney for Petitioner

BY: /s/ A. Julia Graves
A. Julia Graves
Florida Bar No. 0882194
2145 14th Avenue, Suite 20B
Vero Beach, FL 32960
(772) 257-5079 / 257-5083 (fax)
office@ajuliagraves.com
julia@ajuliagraves.com

Thanksgiving Home - Heaven Foundation
79/5 Moo 5, Soi Kuakoon Village, Tiwanon Road, Pak
Kret Subdistrict, Pak Kret District, Nonthaburi 11120
Tel : +66-81-620-6662, +66-81-147-6011

May 25, 2021

Thai Embassy in Washington DC the United States

1024 Wisconsin Ave. NW.

Washington DC 20007

Attn: protection@thaiembdc.org

To whom it may concern

I am Mr. Wanchai Tripiyachart, the director of Thanksgiving Home - Heaven Foundation is located at 79/5 Moo 5, Soi Kuakoon Village, Tiwanon Road, Pak Kret Subdistrict, Pak Kret District, Nonthaburi 11120 (our phone numbers: +66-81-620-6662, +66-81-147-6011). Our foundation has been established and operating for 10 years. Our 3 main purposes are to:

- 1) Treat, heal, support, and rehabilitate mental recovery. Improve the behaviour for the disabled and disadvantaged children
- 2) Cultivate ethics for the disabled and underprivileged children; to be good people, as well as contributing value to society
- 3) Provide educational opportunities. We also operate as a learning center for people with disabilities from teenagers, adults, and the disadvantaged in order to have the abilities to pursue a career

In this regard, I have known and received contact from Mrs. Supee Wechakit or Mrs. Supee Spindler, the mother of Ms. Nisarath Jittasonthi. Ms. Jittasonthi wishes to return to Thailand. Ms. Nisarath is a person with intellectual disabilities. She cannot speak English and therefore has much difficulty communicating and living in the United States of America.

Our foundation has taken care of and has experience in caring for people with intellectual disabilities. We are also able to provide the skills she is interested in cultivating and is appropriate for her. In addition, Khun Nisarath would have time with her brother, named Khun Bunpot Jittasonthi (his phone number is +66-92-496-6154) and Ms. Supaporn Nakanukul, her younger sister, (her phone +66-92-331-6778). Her brother and sister will take turns picking up Ms. Nisarath Jittasonthi on weekends and holidays to go to be with her family.

Thanksgiving Home - Heaven Foundation welcomes Miss Nisarath Jittasonthi, to be under the care of the foundation.

With best regards

Mr. Wanchai Tripiyachart

Director of Thanksgiving Home - Heaven Foundation

มูลนิธิพักพิงคุ้มครองภัย โครงการบ้าน-ขอบพระคุณ
79/5 หมู่ 5 อาคารพาณิชย์ ซอยหมู่บ้านเกื้อกูล
ถ.ติวานนท์ ต.ปากเกร็ด อ.ปากเกร็ด จ.นนทบุรี 11120
โทร66-81-620-6662, 66-81-147-6011

25 พฤษภาคม 2564

สถานทูตไทย ณ กรุงวอชิงตันดีซี

1024 Wisconsin Ave. NW. Washington DC 20007

202-944-3600 Ext. 750

Attn: protection@thaiembdc.org

เรื่อง การตอบรับนางสาวนิศารัตน์ เข้ามาอยู่ในการดูแลของมูลนิธิพักพิงคุ้มครองภัย โครงการบ้านขอบพระคุณ

เรียน สถานทูตไทยในประเทศสหรัฐอเมริกา ณ กรุงวอชิงตันดีซี

กระผมนายวันชัย ตรีปิยชาติ ผู้อำนวยการมูลนิธิพักพิงคุ้มครองภัย โครงการบ้านขอบพระคุณ ตั้งอยู่ที่ 79/5 หมู่ 5 อาคารพาณิชย์ ซอยหมู่บ้านเกื้อกูล ถ.ติวานนท์ ต.ปากเกร็ด อ.ปากเกร็ด จ.นนทบุรี 11120 โทร+66-81-620-6662, +66-81-147-6011 มูลนิธิของเราได้ก่อตั้งและดำเนินการมาเป็นเวลา 10 ปี มีวัตถุประสงค์เพื่อ

- 1) บำบัด รักษาฟื้นฟูสภาพจิตใจ และปรับพฤติกรรมให้ผู้พิการและเด็กด้อยโอกาส ให้สามารถดำรงชีวิตได้อย่างมีประสิทธิภาพ
- 2) ปลุกฝังจริยธรรมให้กับผู้พิการและเด็กด้อยโอกาสให้เป็นคนดี มีคุณค่าในสังคม
- 3) ให้โอกาสทางการศึกษา และเป็นศูนย์การเรียนรู้สู่การดำรงชีวิตอิสระสำหรับผู้พิการตั้งแต่วัยรุ่นขึ้นไป และผู้ด้อยโอกาส เพื่อให้มีความสามารถในการประกอบอาชีพได้

ทั้งนี้ กระผมได้รู้จักและได้รับการติดต่อจากคุณสุกัญญา เวชกิจ หรือคุณสุกัญญา สปีนดีเลอ ซึ่งเป็นมารดาของนางสาวนิศารัตน์ จิตตะสนธิ ซึ่งทางคุณนิศารัตน์ จิตตะสนธิ ได้มีความประสงค์ที่จะกลับมาอยู่ประเทศไทย ซึ่งทางคุณนิศารัตน์เป็นผู้บกพร่องทางสติปัญญา และเธอไม่สามารถพูดภาษาอังกฤษ จึงมีความยากลำบากในการติดต่อสื่อสารและดำเนินชีวิตในประเทศสหรัฐอเมริกา ทางมูลนิธิของเราได้ดูแลและมีประสบการณ์ในการดูแลผู้ที่มีความบกพร่องทางสติปัญญา เช่นเดียวกัน ซึ่งทางคุณนิศารัตน์จะได้รับการฝึกอบรม ในทักษะที่เธอสนใจ และตามความเหมาะสม พร้อมกันนี้ทางคุณนิศารัตน์ ประสงค์ที่จะได้พบและมีเวลาอยู่กับพี่ชายคือคุณบรรพต จิตตะสนธิ (หนู่ย)+66-92-496-6154 และคุณสุภาภรณ์ นาคานุกุล (ปอย)น้องสาว +66-923-316-778 ซึ่งทางพี่ชายหรือน้องสาว จะผลัดกันมารับในวันสุดสัปดาห์และวันหยุดเทศกาลต่างๆเพื่อ ไปอยู่กับครอบครัว ซึ่งทางมูลนิธิพักพิงคุ้มครองภัย โครงการบ้านขอบพระคุณยินดีรับนางสาวนิศารัตน์ มาอยู่ในการดูแลของมูลนิธิครับ

กระผม จึงเรียนท่านมาเพื่อทราบครับ

ขอแสดงความนับถือ

(นายวันชัย ตรีปิยชาติ)

ผู้อำนวยการมูลนิธิพักพิงคุ้มครองภัย โครงการบ้านขอบพระคุณ



คณะแพทยศาสตร์ โรงพยาบาลรามธิบดี มหาวิทยาลัยมหิดล
Faculty of Medicine, Ramathibodi Hospital, Mahidol University

ใบรับรองแพทย์
Medical Certificate

วันที่ 29 ตุลาคม 2557

ข้าพเจ้า นายแพทย์/แพทย์หญิง (Physician's name) MANOTE LOTRAKUL
ใบอนุญาตประกอบวิชาชีพเวชกรรมเลขที่ (Medical License No.) 12270
ได้ตรวจร่างกายผู้ป่วยชื่อ (Patient's name) น.ส. นิสารัตน์ จิตตะสนธิ Miss NISARAT JITTASONTHI
อายุ (Age) 40 ปี 3 เดือน เลขที่ประจำตัวผู้ป่วย (Hospital No.) 2852797
บัตรประชาชน (Identification No.)/อื่นๆ*(Other)
ตรวจเมื่อวันที่ (Date of Examination) October 29, 2014 เวลา (Time)
พบว่าป่วยเป็นโรค (Diagnosis)

Mental subnormality

เห็นสมควรให้ (Recommendation) We performed a psychiatric assessment and psychological testing. The result shows that the patient suffers from mild mental retardation, she scored 68 on a full-scale IQ test (WAIS)

(ลงชื่อ) MISS NISARAT ผู้รับการตรวจ
(Patient's Signature)

(ลงชื่อ) Manote Lotrakul แพทย์ผู้ตรวจ
(Physician's Signature)

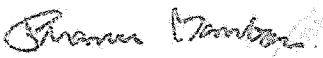
พ.ม.ก.ในช. หมอตรวจโรค


SPS60209๗

หมายเหตุ ผู้ใดทำ แก้อไข เปลี่ยนแปลง ปลอมหรือทำใบรับรองแพทย์อันเป็นเท็จแต่เพียงส่วนหนึ่งส่วนใดหรือทั้งฉบับหรือใ
หรืออ้างใบรับรองแพทย์ปลอมหรืออันเป็นเท็จ จะต้องถูกดำเนินคดีตามกฎหมาย

No. 096315 14 JAN 2015
BKK100

SEEN AT THE MINISTRY OF
FOREIGN AFFAIRS


(MRS. PHANEE MANBOU)
General Service Officer
Experienced Level
Ministry of Foreign Affairs of Thailand



122535

(Translation)


| | |
|---|--|
| Photo | ID Card for PWD 3-5099-01331-02-1 |
| | Name: MISS NISARAT Surname: JITTASONTHI Date of Birth: 24 th July 1974 Type of Disabilities: 5 |
| Address: 13, Ramkhamhaeng 118 Alley; 26 Sub-alley, Saphan Sung Sub-district, Saphan Sung District, Bangkok Metropolis | |
| Date of issue: 24 th October 2014 | Date of expiry: 27 th December 2015 |
| -Signature- (Mrs. Napa Sethakorn) Director Card Issuing Officer | |

Reverse

| | |
|---|---|
| Barcode | |
| Ministry of Social Development and Human Security (MSDHS) National Office for Empowerment of Persons with Disabilities (NEP) | |
| 1. Visual Disability | 2. Hearing Loss or Communication Disability |
| 3. Movement or Physical Disability | 4. Mental or Behavior Disability |
| 6. Learning Disability | 5. Intellectual Disability |
| | 7. Disability with Autism |
| Mrs. Supee Wechakit 3-1005-00021-08-6 | |
| Care Taker of Disabled Person 172954-57 | |

No. 096314 14 JAN 2015
BKK100

SEEN AT THE MINISTRY OF
FOREIGN AFFAIRS



(MRS. PHANEE MANBOU)
General Service Officer
Experienced Level
Ministry of Foreign Affairs of Thailand



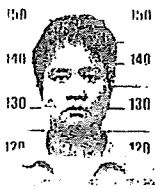
กรมส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการ
กระทรวงการพัฒนาสังคมและความมั่นคงของมนุษย์
กรุงเทพฯ



TRUE TRANSLATION
Certified correct translation

รับรองการแปลถูกต้อง


1 2 2 5 5 3 4



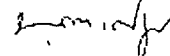
บัตรประจำตัวคนพิการ ID Card for PWD
3-5099-01331-02-1

ชื่อ นางสาวนิศารัตน์
นามสกุล จิตตะสนธิ
วัน-เดือน-ปี เกิด 24 กรกฎาคม 2517
ประเภทความพิการ 5

ที่อยู่ 13 ซ.รามคำแหง 118 แยก 26
แขวงสะพานสูง เขตสะพานสูง
กรุงเทพมหานคร

วันออกบัตร
24 ต.ค. 2557

วันบัตรหมดอายุ
27 ธ.ค. 2558


(นางนภา เศรษฐกร)
ผู้อำนวยการศูนย์
เจ้าหน้าที่ออกบัตร



กระทรวงการพัฒนาสังคมและความมั่นคงของมนุษย์ (พม.)
สำนักงานส่งเสริมและพัฒนาคุณภาพชีวิตคนพิการแห่งชาติ (พค.)

- | | |
|--|---------------------------------------|
| 1 = พิการทางการเห็น | 2 = พิการทางการได้ยินหรือสื่อความหมาย |
| 3 = พิการทางการเคลื่อนไหว หรือทางร่างกาย | 4 = พิการทางจิตใจ หรือพฤติกรรม |
| 6 = พิการทางการเรียนรู้ | 7 = พิการทางออสติก |

นางสุวิระ เวชกิจ 3-1005-00021-08-6

ผู้ดูแลคนพิการ

172954-57



DNA Test Report and Final Certificate of Analysis

Nisarat Jittasonthi and Supee Spindler [Maternity Test]

Receipt # WAC 16 901 85824

| Role | Specimen | Race | Patient # | Draw Date |
|--------|---------------------|-------|--------------|-------------|
| Mother | Supee Spindler | Asian | 201600044444 | 06 Jul 2016 |
| Child | Nisarat Jittasonthi | | 201600044445 | 06 Jul 2016 |

COPY

This report summarizes the Maternity Testing Results performed as part of an Immigration-Related Application involving **Nisarat Jittasonthi with Supee Spindler (Alleged Mother) [Receipt # WAC 16 901 85824]**. The samples were collected using a legal chain of custody, and all DNA purification and analysis were performed in our AABB-Accredited DNA Testing Laboratory in Los Angeles, California.

The Maternity testing utilized PCR-STR technology and tested Fifteen independent systems. The Genetic Profiles for each participant are listed on page 2 of this document, and an explanation sheet is attached to this report.

Conclusion:

Based on results of the Fifteen genetic systems listed in the chart on Page 2, Supee Spindler cannot be excluded as the biological mother of Nisarat Jittasonthi as determined by the presence of obligate maternal allele at all these systems. In other words, **Supee Spindler convincingly appears to be a biological parent of Nisarat Jittasonthi** based on the appearance of common alleles (same-sized markers) for each of the systems which were tested.

The Combined Maternity Index is 79,879.9592. The relative chance of Maternity (assuming a statistical tool of 50% prior chance) is 99.9987% as compared to an untested, unrelated woman in the Asian population.

| System | Child | | Mother | | RI |
|---------|--------|--------|--------|--------|--------|
| | Allele | Allele | Allele | Allele | |
| D8S1179 | 13 | 14 | 11 | 14 | 1.4970 |
| D21S11 | 31 | 32.2 | 31 | 34.2 | 3.1646 |
| D7S820 | 8 | 12 | 11 | 12 | 1.1312 |
| CSF1PO | 10 | 12 | | 10 | 1.9708 |
| D3S1358 | 16 | 17 | 15 | 17 | 0.9766 |
| TH01 | 9 | 9.3 | | 9 | 3.0303 |
| D13S317 | 8 | 10 | | 8 | 1.5480 |
| D16S539 | 11 | 12 | 11 | 12 | 1.6554 |
| D2S1338 | 20 | 23 | 20 | 23 | 3.8927 |
| D19S433 | 14.2 | 15 | 13 | 14.2 | 5.9524 |
| vWA | 14 | 17 | | 14 | 1.8587 |
| TPOX | 8 | 11 | 8 | 11 | 1.4447 |
| D18S51 | 14 | 15 | 14 | 15 | 2.6466 |
| D5S818 | 10 | 11 | 10 | 12 | 1.3736 |
| FGA | 19 | 23 | 19 | 22 | 4.4092 |

CRI = 79,879.9592
 Probability (w=50%) = 99.9987%

I hereby certify that the above testing was conducted according to currently accepted medical standards, and that the results and conclusions, including the probability of maternity, were verified and are correct as reported.

Reviewed by:



David Ku, M.D., July 15, 2016
 Laboratory Director



Franco Gambini, July 15, 2016
 Laboratory Analyst

Liz



Advanced Genetics
DNA TESTING LABORATORY

INVOICE

3650 NW 82nd Avenue, Suite 307
Miami (Doral), Florida 33166
Tel: (305) 902-6990 Fax: (626) 737-6221
Toll Free: 1-888-362-5228
Email: info@advancedgenetics.us
URL: www.advancedgenetics.us

| | |
|--------|----------|
| Date: | Case No: |
| 7/6/16 | F16-1673 |

| |
|----------------------|
| Name: Supee Spindler |
|----------------------|

| Quantity | Description | Unit Price | Amount |
|----------------|----------------------------------|------------|--------------|
| 1 | Immigration DNA test - Maternity | \$495.00 | \$495 |
| | | | \$0 |
| | | | |
| | | | |
| Total | | | \$495 |
| Paid | | | \$495 |
| Balance | | | \$0 |

*DNA results cannot be released or sent out until your case has been paid in full.

Acceptable forms of payment:

- Money Order from U.S. Post Office
- Cashier's Check
- Personal Checks

*Personal checks will be held until cleared by our bank (1-2 weeks)

*Your case is important to us. Thank you for your preference.

NOTE - Please, make checks or money orders payable and send them to:

ADVANCED GENETICS
3650 NW 82nd Avenue
Suite 307
Miami (Doral), FL 33166

ADVANCED GENETICS, LLC
3650 NW 82ND AV SU 307
MIAMI, FL 33165
(305)902-6990

SALE

TID: 001 REF#: 00000001
Batch #: 175
07/06/16 10:36:43
APPR CODE: 20940D
VISA Chip
*****6012 **/**

AMOUNT \$495.00

APPROVED,

VISA CREDIT
AID: A0000000031010
TVR: 00 00 00 00 00
TS: 68 00

THANK YOU
PLEASE COME AGAIN

CUSTOMER COPY



United States Department of State
 National Visa Center
 31 Rochester Ave., Suite 200
 Portsmouth, NH 03801-2915



NISARAT JITTASONTHI
 329 LEXINGTON AVE SW
 VERO BEACH, FL 32962



P3AU

NVC Case Number: BNK2016735008

Dear NISARAT JITTASONTHI:

The National Visa Center (NVC) received the immigrant visa petition filed by SPINDLER, SUPEE on behalf of JITTASONTHI, NISARAT from U.S. Citizenship and Immigration Services. However, your case is not currently eligible for further processing because there is an annual limit on the number of immigrant visas that the Department of State can issue. For some visa categories, the wait could be many years.

This petition will be eligible for further processing when your priority date is *earlier* than the cut-off date for your visa category. To learn what the cut-off date is for this petition, review the Department of State's Visa Bulletin online at <http://usvisas.state.gov/visabulletin>.

You will need the following information to determine your cut-off date:

- Country of Chargeability.....THAILAND
- Visa Category.....F1 - UNMARRIED SONS AND DAUGHTERS OF U.S. CITIZENS
- Priority Date.....20NOV2015

There are two important sections of the Visa Bulletin. The *Application Final Action Dates* tell you what priority dates are current for the purpose of issuing immigrant visas. The *Dates for Filing Applications* indicates the earliest date the National Visa Center can contact applicants to begin collecting applications, fees and supporting documents for pending immigrant visa cases. The Visa Bulletin is updated monthly.

Do *not* make any firm plans such as selling property, giving up jobs, or making travel arrangements at this time. As soon as your case becomes eligible for further processing, we will contact you or your attorney (if you designated one). You do not need to contact us unless your mailing address or email address change, or there is a change in your life that may affect your right to an immigrant visa (for example: marriage, divorce, or birth of a child).

Sincerely,

National Visa Center
 31 Rochester Ave. Suite 200
 Portsmouth, NH 03801-2915
 Email: Go to nvc.state.gov/ask
 Phone: 603-334-0700