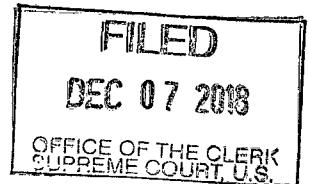


18-1040  
IN THE

**SUPREME COURT OF THE UNITED STATES**



Licong J. Li

Petitioner

v.

Sofia Y. Dang

Respondent

On Petition For Writ of Certiorari To The  
Illinois Third Appellate Court

**PETITION FOR WRIT OF CERTIORARI**

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## **1. Questions Presented for Review**

- How long would crimes against humanity in terms of child custody and visitation in divorce cases be allowed to continue in this country?
- How long would fundamental right violation in terms of child custody and visitation in divorce cases be allowed to continue in this country?
- How long would human-made tragedies in terms of child custody and visitation in divorce cases be allowed to continue in this country?
- Is divorce in the US between father and his minor children as well as between children's parents?
- How could children be separated from their father during divorce proceedings without any hearings?
- Do children have fundamental rights to their father in a divorce between their parents?
- Does father have fundamental rights to his children during and after divorce?
- How could court facilitate separation of father from his minor children?
- How could court spend most of the time trying to separate father from his children during a divorce case?
- How could court assist mother to seek divorce of children from their father?
- Does court have rights of severing the relationship between father and his children?
- How could system allow children to be manipulated by a parent during and after divorce?
- How could court completely disregard children's best interests?
- How could father's fundamental right for custody settlement negotiations be denied?

## **2. Parties to the Proceeding**

Petitioner, who was Defendant-Appellant below, is Licong J. Li, a citizen of the United States residing in Naperville, Illinois.

Respondent, who was Plaintiff-Appellee below, is Sofia Y. Dang, a citizen of the United States residing in Naperville, Illinois.

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### **3. Statement of the Basis**

On July 11, 2018, Supreme Court of Illinois denied (Appendix A) the Petition for Leave to Appeal in the case of In re Marriage of Sofia Dang, Respondent, and Licong Li, Petitioner. Leave to Appeal, Appellate Court, Third District 123595. On April 30, 2018, Illinois Third Appellate Court denied (Appendix B) the Petition for Rehearing.

On September 4, 2018, Petitioner, Licong Li, filed Request for Extension of Filing a Petition for a Writ of Certiorari with the Clerk's Office of the US Supreme Court. On September 12, 2018, the Supreme Court of the United States granted Petitioner's request for extension of filing to and including December 8, 2018.

### **4. Statement of the Case**

The case that Petitioner is appealing is a civil no-fault divorce case filed by Respondent, Sofia Dang on 8/27/2015. The divorce filing was triggered by a conflict between Petitioner and Respondent's father at home. The Respondent and Petitioner were married in Beijing, China on 9/11/1992; they were married for 25 years in 2017. Respondent and Petitioner received Master degree in fine art and Ph.D. degree in engineering from University of Cincinnati respectively. They have two children: AHL was born on 4/15/2000 and JHL was born on 4/19/2002. Since they were born, Petitioner had been with them without separation until 11/19/2015 when Petitioner's children were taken away from him against their wills for the first time.

The first court date of the case was 9/23/2015 and the last court date of the case when final order was entered was 9/22/2017, the case went through a trial without jury and lasted for exact two (2) years. On 10/15/2015, Guardian Ad Litem (GAL) was appointed for the children by the court per Respondent's request. On 11/18/2015, Respondent filed Order of Protection that included minor children without any specific reasons. Neither GAL nor Petitioner's legal counsel at

that time was notified about the Order of Protection filing. Before Respondent filed for Order of Protection, she had filed petition for seeking sole custody of children. She had also made her intention perfectly clear to Petitioner that she would not allow children to see their father ever again. Because of Order of Protection Petitioner was homeless for the first time of his life and was separated from his children on 11/19/2015. On 12/8/2015, Respondent and children moved out of her marital residence and moved into a new home purchased by her father.

Between 11/19/2015 and 9/22/2017 the court spent most of the time on separating father (Petitioner) from his children. Although Order of Protection was dismissed on 12/8/2015, Petitioner was not allowed to meet his minor children until 12/21/2015. From 12/21/2015 to 3/28/2016, Petitioner and his minor children were only allowed to meet in public settings on Fridays and Sundays from 5pm to 8pm.

Between 3/28/2016 and 8/11/2016, Petitioner and his minor children were only allowed to meet at Petitioner's residence on Fridays from 5pm to 8pm and on alternating Saturdays from 10am to 6pm. On 8/11/2016, Petitioner's parenting time with his children was suspended for no specific reasons and without any hearings. Petitioner has not seen his minor children since 8/11/2016 and has not communicated with his minor children since 2/10/2017.

On 1/4/2016 Petitioner filed emergency motion requesting GAL's replacement for reasons that she was negligent to children, caused harm and anxiety to children, violated Petitioner's right as a parent and was prejudice to Petitioner (father). The motion was denied by the presiding judge without any specific reasons.

On 3/31/2016 Petitioner filed motion requesting the presiding judge to speak to children in person because GAL was misrepresenting children, but the presiding judge denied the motion without giving any specific reasons.

On 4/21/2016 Petitioner filed motion requesting adjustment of Petitioner's parenting time because Petitioner's parenting time was unacceptable, which stated the fact that Petitioner only had 7-hour per week parenting time out of 168 hours of a week. The presiding judge denied the motion without giving any reasons.

On 7/26/2016, Petitioner filed motion requesting to settle the case as early as possible. Petitioner was not allowed to negotiate child custody, visitation and support with Respondent as the presiding judge had pre-decided the custody and visitation since 11/19/2015. On 3/27/2017, Petitioner filed motion requesting hearing on Petitioner's parenting time per presiding judge's suggestion, but the motion was denied against her own suggestion.

From 12/8/2015 through 2/10/2017, GAL was forcefully seeking suspension of Petitioner's parenting time with his children at every court appearance. Children complained to their father about her negligence, misrepresentation and harm. However, when father conveyed that to the presiding judge, she immediately dismissed and discredited that information even after Petitioner filed emergency motion requesting GAL's replacement.

Before the case went to trial, Petitioner requested children to be witnesses, which was denied by the judge without giving any specific reasons. During the trial, Petitioner requested that Respondent provides Petitioner with status updates of children since Petitioner did not have any communication with his children, which was denied by the judge without giving any reasons.

The case went through an unnecessary trial as it was never about child custody and visitation which was pre-determined by the presiding judge long before the trial. ***The final order gave mother the sole custody of children and deprived father of any visitation right and any communication right with his children. In other words, the final order completely severed the relationship between father and his children.***

On 4/17/2018 Petitioner went to see AHL (the eldest child) at her high school after she reached 18 years old on 4/15/2018. AHL told Petitioner that her mother forbade her to see Petitioner and forbade her to tell Petitioner which universities/colleges she had applied for. Petitioner did not know which university or college that AHL was attending until the college notified Petitioner in September 2018.

## 5. Argument

### 5.1. General Argument

This no-fault divorce case is not an isolated case but one of hundreds of divorce cases in this country each year that one parent tries to manipulate child custody, visitation and support. In this case, manipulating parent was mother. Father was the other parent who was denied child custody, visitation and even communication with his children. Crimes against humanity were committed, fundamental rights of children and father were violated, children's best interests were disregarded, and human-made tragedies inevitably happened and are still unfolding.

The term of crimes against humanity is not reserved for or equivalent to genocide, they can happen in divorce cases including this divorce case and other scenarios or situations. Severity of crimes may vary but the nature of crimes, i.e. against humanity, would remain the same. There were a lot of media attention and talk of right violation when illegal immigrants' children were separated from their parents at US-Mexican border earlier this year. It needs to be pointed out that US citizen's children also have fundamental rights to their parents, and vice versa.

Worst of all, court devoted most of the case time helping mother achieve her goal of separation of children from their father and eventual severance of relationship between father and his children. It's notorious in this country that innocent children are caught in the middle of contentious divorce cases and suffer tremendously. This case was so mishandled by the court that it absolutely went to extremes with the help of GAL and respondent's legal counsel. Throughout

the divorce process my children were harmed by their mother, GAL and the court. They were silent sufferers and were so helpless and powerless.

Before Respondent filed divorce on 8/27/2015, Petitioner had great relationship with his children. Petitioner once asked his children how they would compare their father with their mother in terms of parenting, they answered that father was equally good as mother. Today, Petitioner did not have any relationship with his children, they did not see and communicate with each other. In two years court ordered separation of father from his children and eventual severance of relationship between father and his children against their wills.

Since children are not divorced from their divorcing parents, joint custody and co-parenting should be the default arrangement if divorcing parents could not reach settlement agreement, this would be in children's best interests. However, in this country, way too often, children's best interests were disregarded. This case was so mishandled by the court that communication between father and his children was disallowed, let alone joint custody and co-parenting.

It's time for US Supreme Court to rule through this case that crimes against humanity must be stopped and human-made tragedies must be avoided in divorce cases. Children's and father's fundamental rights must be respected and protected.

It's time for US Supreme Court to rule through this case that divorce is between a married couple or two parents of their children and **divorce is not between a parent and his children**. Court must not be allowed to facilitate separation of a parent from his children.

It's time for US Supreme Court to rule through this case that children have fundamental rights to their father in their parents' divorce. Because of parent-children relationship, a parent has fundamental rights to the custody and visitation to children.

It's time for US Supreme Court to rule through this case that court must not be allowed to sever the relationship between a father and his children in any circumstances and children's best interests must be upheld in a divorce case.

Without US Supreme Court's ruling on this case, children's and father's fundamental rights will continue to be violated in divorce cases. Although it is self-evident that divorce is between a married couple and divorce is not between father and his children, this fundamental truth is so often disregarded and abused by manipulating parents in so many divorce cases that even tragedies such as fatality or death happened.

Without US Supreme Court's ruling on this case, a manipulating parent will continue making unjust requests through motions and petitions, which will only be in the best interests of the manipulating parent. Court will have to consider them, judge will forget the truth that divorce is not between parent and his children and eventually will make unjust rulings that are damaging to the other parent and children. It's a fact that the manipulating parent never really considers children's best interests but her own.

Child custody, visitation and support becomes judge dependent and therefore arbitrary. The divorce judge in the divorce case of Angelina Jolie (Actress) and Brad Pitt (Actor) considered that children not having a relationship with their father is harmful to them, it is critical that children have a healthy and strong relationship with their father and mother. However, in this no-fault divorce case, the judge was heartless and clueless and did not care a bit about the separation of children from their father and severance of relationship between father and his children.

When mother petitioned for sole custody of children in this no-fault divorce case, she pursued her own interests and disregarded the best interests of children. Her petition alone caused tremendous damage to children and was never agreed by the Petitioner. Court should have prevented this from happening to protect children's best interests as they were teenagers, not

infants or toddlers, but it did just the opposite, i.e. facilitated mother to achieve her goal. If this case had been handled by a different judge or in a different court, the result could have been completely different.

Petitioner mentioned Brad Pitt (actor) and Angelina Jolie (actress)'s divorce earlier. Brad was being investigated after being accused of verbal and physical abuse against his children. Both Los Angeles County Department of Children and Family Services and FBI were involved in the investigation. Angelina Jolie filed divorce on Sep. 15, 2016 and was seeking sole custody of their six children, but Brad Pitt was against that.

Their divorce judge did not deny Brad Pitt's fundamental right for custody settlement negotiations because of those accusations. The judge allowed their custody settlement negotiations to go on for more than two years. Recently Brad and Angelina reached custody settlement agreement. Brad and Angelina will have joint physical and legal custody of their children. Soon children will begin to have overnight visits with their father Brad Pitt.

Petitioner is not a celebrity like Brad Pitt, but he is an US citizen and has fundamental rights to his children. Petitioner was not accused of verbal and physical abuse against his children, but he was denied his fundamental right for custody settlement negotiations. Furthermore, Petitioner was denied fundamental right of custody, visitation and communication with his children.

## **5.2. Crimes Against Humanity**

When children were taken away or separated from their father against their wills and without any reasons and any hearings, crime was committed against humanity. When court devoted most of the case time to separation of children from their father in the divorce case, crime was committed against humanity. When final order of the case after the trial did not even allow father to communicate with his children, crime was committed against humanity.

Respondent or mother planned the separation of father from his children and eventual severance of relationship between father and his children. Respondent's legal counsel executed her plan, and GAL and court facilitated her to achieve her plan. Throughout the case and during trial Respondent provided court with false information and false statements for gaining sole custody of children and child support.

Because of separation of children from their father and severance of relationship between father and his children, the toll and psychological impact on children was enormous. Before the divorce filing by Respondent on 8/27/2015, father and his children had great relationship. He was very involved in his children's school work and projects; they spent a lot of quality time together such as swimming, yard work, shopping, and cooking, etc. After divorce, father and children did not have any relationship and any kinds of communication.

In this country divorce is ranked second only to death of loved ones in terms of pain and inhuman nature. Divorce filing by Respondent on 8/27/2015 had great impact on Petitioner and his children. Separation from his children and severance of relationship with his children made it much worse for Petitioner and his children. Behavior of GAL and decisions of the presiding judge showed that they really could care less and therefore caused tremendous damages to Petitioner and his children, which reached level of crimes against humanity.

### **5.3. Violation of Fundamental Rights**

#### **5.3.1. Children's Best Interests**

When Respondent (Mother) filed no-fault divorce on 8/27/2015, Respondent and Petitioner had been married for 23 years. Divorce should have been amicable instead of contentious considering two minor children and relatively long marriage. Joint custody and co-parenting should have been agreed upon through settlement negotiations.

Unfortunately, Respondent has the personality of seeing other people's faults with her eyes closed, but never seeing her own faults with her eyes open. Throughout the divorce process she **acted** like a victim of the marriage and the protector of the children, which could not be further from the truth. Throughout the proceedings and the trial, the presiding judge treated her words as gold and Petitioner's words as trash, which inevitably led to factual errors, wrong decisions, and violation of fundamental rights.

Respondent's filing of Order of Protection for taking children way from their father was a turning point of the case, it changed the dynamics of the case. There was absolutely no justification for the filing. Respondent's filing of Order of Protection was the idea of her legal counsel who gloated over the filing as his gold mine. It seemed that the presiding judge would approve any requests for Order of Protection without going through the due process. Petitioner, Petitioner's legal counsel at that time and GAL were not notified of its filing.

Petitioner was the only person who cared about children's best interests. After Respondent filed divorce on 8/27/2015, Petitioner clearly conveyed to her that joint custody and co-parenting would be the best option for children. Petitioner also warned GAL that it's immoral and unethical to spend other people's money to harm other people's children.

Although the case lasted for two years, since mother filed petition for sole custody of children from very early on and took children away from father through false Order of Protection filing on 11/19/2015, separation of children from father became judge-ordered fact. Mother and father never had a chance to negotiate custody, visitation and support throughout the divorce process. Most of court appearances were devoted to discussing separation of father from children and eventual severance of relationship between father and his children.

### **5.3.2. Immoral and Unethical Behavior**

In this no-fault divorce case, father's and his children's fundamental rights were repeatedly violated. GAL was appointed to represent children, but what she said and did was just the opposite; i.e. to misrepresent and harm the children. When Respondent filed Order of Protection and took children away from their father, GAL was not even notified, let alone to represent children. After Petitioner filed emergency motion requesting GAL's replacement, separating Petitioner from his minor children became GAL's sole mission.

After Respondent falsely filed Order of Protection and took children away from Petitioner, GAL should have been dismissed from her appointment to allow Petitioner and Respondent to start negotiating child custody, visitation and support. At that time Petitioner was still represented by his legal counsel. However, the case was so mishandled by the court that at every court appearance, GAL falsely talked about the issue of communication between father and his children. The fact of matter was both father and his children pointed out that GAL was the real problem.

As stated in Statement of the Case section, from 12/21/2015 to 3/28/2016, Petitioner and his minor children were only allowed to meet in public settings on Fridays and Sundays from 5pm to 8pm. During that period children wrote to GAL via emails and requested that meetings with their father be changed from public setting to public and private settings because of cold weather, GAL automatically assumed that it was father's idea and did not even bother to respond to children's requests. Children later told Petitioner that they were very disappointed at GAL for not taking any actions when they requested parenting setting change.

As stated in Statement of the Case section, between 3/28/2016 and 8/11/2016, Petitioner and his minor children were only allowed to meet at Petitioner's residence on Fridays from 5pm to 8pm and on alternating Saturdays from 10am to 6pm. Each time after children met their father, GAL would inquire about what was talked about between father and children and tried her best to

find something that she could take to the court to request suspension of father's parenting time with his children. GAL caused such tremendous anxiety to the children that they were hesitant talking to their father for fear of GAL's inquisition.

Normal father-daughter conversation about child school work became forbidden area. For examples, when father gave his children advice on foreign language selection and study at high school, it was unacceptable to GAL; when father gave his eldest child advice on setting higher goals in life and on applying for certain colleges/universities, it was unacceptable to GAL; when father helped his eldest child prepare for SAT tests, it was unacceptable to GAL; when father helped his younger child with her math class at her high school, it was unacceptable to GAL.

Although GAL was considered the eyes and ears of the judge, GAL did not understand the meaning of father-daughter relationship; let alone the father-daughter relationship when they were separated from each other. Since GAL was appointed by the presiding judge, although GAL was not acceptable to father and his children because of her behavior and performance, the presiding judge refused to replace or dismiss her.

On 12/21/2015 GAL told Petitioner right outside the court room that a father basically had no right in terms of child custody and visitation. Throughout the case GAL used her own personal belief and wrong perception as her guidance. Children pointed out to Petitioner that GAL seemed to reach wrong conclusions all the time. After Respondent filed Order of Protection for taking children away from their father on 11/19/2015, GAL basically served as the second attorney for Respondent.

GAL recommended to the judge that no any form of communication should be allowed between father and his children during divorce proceedings and after divorce was finalized. GAL's Summary Report to the presiding judge was full of false statements and information. In other

words, GAL's Summary Report did not contain any credible information. In addition, GAL's Summary Report exposed the fact that she was totally unqualified for her appointment.

For example, GAL stated in her report that "Their (Petitioner's minor children) needs with respect to parental involvement in significant decisions are minimal". The statement was not only appalling and troubling but also contrary to the fact and common sense. Petitioner's two minor children were attending high school and absolutely needed parental involvement in significant decisions. According to GAL's logic, children certainly did not need GAL during the proceedings.

GAL stated in her Summary Report that "It is important to note that while the conduct summarized in this report may not on the surface appear to rise to the level warranting a restriction pursuant to Section 603.10, the issue is not simply Father's conduct and interaction itself, but rather its unrelenting nature". Throughout the case, GAL kept arguing that 'Father repeatedly talked with his children', her keyword was 'repeatedly'. GAL did not have the slightest idea of the pain caused by the separation of children from father. GAL did not have the slightest idea of the pain caused by her words and deeds.

Communication between Petitioner and his minor children was supposed to be ongoing and unrelenting when children were at their current ages. It would be abnormal if communication between Petitioner and his minor children were not ongoing and unrelenting. Petitioner would argue that communication between GAL and her minor children was ongoing and unrelenting. Suspension of Petitioner's communication with his minor children was not only abnormal but also violating Petitioner and his minor children's fundamental rights.

GAL stated in her summary report that "Mother's willingness and Father's unwillingness to consider their (children) input with respect to decision making weigh heavily in my recommendation". This was false and outrageous statement. Since children were separated from their father against their will on 11/19/2015, Petitioner did not make any decisions for his minor

children but discussed certain school-related subjects with them. At their current ages, there were many things that Petitioner's minor children were not aware of or did not know; their parents including father have the parental responsibilities to teach them or let them know. GAL thought that she knew better than Father did, but she was not. Throughout her appointment GAL overstepped her responsibility.

GAL stated in her summary report that "When questioned about his conduct by the court, Father has repeatedly insisted that he and the children have a great relationship even though the children have consistently reported to the contrary". Petitioner had consistently stated to the court that he interacted with his minor children normally and indeed had great relationship with his minor children, which however was badly damaged by GAL.

GAL also stated that "The fact that Father wholeheartedly denies that there is any problem is evidence of his inability to interact with them in a way that is appropriate and not harmful". Her statement confirmed what Petitioner's minor children's comments on her: GAL seemed to reach wrong conclusions all the time. Petitioner would seriously question GAL's ability to think straight, reason and reach right conclusions. GAL played a major role in violating father and children's fundamental rights.

### **5.3.3. Unnecessary Trial**

There were more than 19 months between the first court day of the case (9/23/2015) and the first day of the trial (5/3/2017). A consistent pattern had been formed with the presiding judge over 19-month period that any statements from anyone whom she appointed for the case such as GAL or CPA were true and any statements from Petitioner were false.

Throughout the proceedings, the presiding judge expressed frustration that she did not have an assistant or secretary, which implied that she needed help and had to rely on the

judgment of anyone she appointed for the case and anyone who could help her doing her job including Respondent's legal counsel.

Throughout the case, the presiding judge used Respondent's legal counsel (him) as her assistant. Writing court order after each court appearance became a routine for him. Gradually, judge gave up her independent judgment. His statements in court and his closing statements after trial became judge's statements and judgment on which judge's decision was made. Judge was not even aware of making false statements in her decision/order.

The worst of all were that Respondent's legal counsel prepared or wrote court orders for judge to sign even before court appearances, and judge signed court orders without awareness that his own words or judgment was made into the orders. Judge even had to rely on him to write the Judgment for Dissolution of Marriage based on her final decision/order.

Throughout the proceedings the presiding judge relied on Respondent's legal counsel and GAL for judgment, they pushed the case to necessary trial without any reasons. About marital property division, Petitioner and Respondent had a small marital estate, marital residence and business were two major items. It was agreed upon that Petitioner would retain the marital residence and Respondent would retain the marital business before the trial. Court-appointed CPA had already provided the judge with marital balance sheet including asset and debt, which would be equally divided between Petitioner and Respondent.

About child custody, visitation and support, between the first day of the case (9/23/2015) and the first day of the trial (5/3/2017), Petitioner was never allowed to negotiate with Respondent about child custody, visitation and support, his fundamental rights were repeatedly violated. Child custody and visitation was never part of the trial but a judge-ordered fact long before the trial. Trial was really about GAL against Petitioner and his children.

The trial was also seriously flawed in the sense that crucial witnesses such as Petitioner's minor children (AHL 17 and JHL 15 at that time) were not allowed to testify although they were considered intelligent and mature by the judge and GAL. The presiding judge considered that GAL was representing children, but she was not. GAL was misrepresenting and hurting children. In addition, the presiding judge suppressed evidence from the Petitioner during the trial. Facts were discredited, disregarded and dismissed throughout the case and during the trial.

Before the trial, Petitioner had been separated from his children without any communication for about three (3) months. Since presiding judge had already received and reviewed reports from GAL before the trial and other witnesses were not allowed, presiding judge's decision or order was a foregone conclusion, there was absolutely no need for the trial.

Throughout the proceedings, Petitioner conveyed to the presiding judge that fundamental rights of father and children were being repeatedly violated, and GAL was causing anxiety and harm to the children, but she refused to listen.

## **6. Conclusion**

Wherefore, Petitioner, (Licong J. Li), pursuant to the US Supreme Court Rules, respectfully petitions for a Writ of Certiorari with the US Supreme Court, and believes that the petition for a writ of certiorari should be granted.

Respectfully Submitted,



Licong J. Li

December 7, 2018