No. 19-5867

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

ANGELA KRASNY — PETITIONER

vs.

JACOB KRASNY — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
SUPREME COURT OF NEW JERSEY

PETITION FOR WRIT OF CERTIORARI

ANGELA KRASNY
Confidential California Residential Address
Mailing Address: PO Box 36367
Denver, CO 80236
Confidential Cell Phone: 415-559-9190

QUESTION(S) PRESENTED

1. Whether New Jersey can deny or limit civil procedural due process protected under the 14th Amendment of the US Constitution especially when the court is threatening to force a California resident to move to New Jersey resulting in loss of job, affordable housing and health insurance.
2. In direct conflict with this court, Unified Child Custody Jurisdiction and Enforcement Act (UCCJEA) and Parental Kidnapping Protection Act (PDPA), whether a case can be filed in New Jersey based on extreme cruelty during the pendency of a California domestic violence proceeding which New Jersey courts had previously ordered jurisdiction over the parties transferred to California for all matters in the domestic violence application which included custody and visitation.
3. In conflict with UCCJEA, whether New Jersey can claim "home state" jurisdiction when the children had resided in California for more than 6 months before the completion of the California domestic violence proceeding which New Jersey Judge ordered New Jersey had no jurisdiction until after the conclusion of the California matters.
4. Whether New Jersey can refuse to provide "full faith and credit" to California orders including a protective order awarded issued after a 3-day hearing in California by changing provisions of the protective order in direct contrast with UCCJEA and the PKPA.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. Cases directly related:

Krasny v. Krasny, No. 081774, Supreme Court of New Jersey. Judgments entered June 3, 2019, January 11, 2019 and September 6, 2018.

Krasny v Krasny, NO. A-004648-17T2, Superior Court of New Jersey Appellate Division. Judgement entered August 24, 2018.

Krasny v Krasny, No.: FM-15-1494-17 C, SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION-FAMILY PART Ocean County. Last Judgement entered September 13, 2018.

Krasny v. Krasny, No. FL1701554, Superior Court of California, County of Marin. Judgements entered August 27, 2018, December 20, 2017 and September 14, 2017

Table of Contents

OPINIONS BELOW 1

JURISDICTION 1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 1

STATEMENT OF THE CASE 4

LEGAL FRAMEWORK 4

HISTORICAL AND LEGAL BACKGROUND 20

REASONS FOR GRANTING THE PETITION 27

Constitutional and Statutory Concerns 27

Split with Other States 30

Due Process 30

Commencing During Pendency 33

Home State 34

Full Faith and Credit 37

Split with the Honorable U.S. Supreme Court 37

Due Process 37

Home State 38

The Questions Presented Are of Fundamental Importance 38

CONCLUSION 40

Index to Appendices

APPENDIX A: Copy of the Order Denying Rehearing/Reconsideration A-1

APPENDIX B: Opinion of the Highest Court to Review the Merits A-5

APPENDIX C: Opinion of the NJ Appellate Court A-7

APPENDIX D: September 13, 2018 Lower Court Order A-11

APPENDIX E: May 10, 2017 Judge Brenner Order A-29

APPENDIX F: California Protective Order A-33

APPENDIX G: December 20, 2017 Judge Telemantes Order A-45

APPENDIX H: December 19, 2017 Judge Ryan Order A-49

APPENDIX I: Febuary 16, 2018 Lower Court Order A-55

APPENDIX J: May 10, 2018 Tenative Decision Order A-69

APPENDIX K: May 11, 2018 Lower Court Order A-89

APPENDIX L: July 26, 2018 Tenative Decision Order A-113

APPENDIX M: July 27, 2018 Lower Court Order A-127

APPENDIX N: August 27. 2018 Judge Teemantes Order A-143

APPENDIX O: Family Court Services – Home Evaluation A-147

APPENDIX P: Judge Brenner May 10, 2017 Transcripts A-157

TABLE OF AUTHORITIES CITED

Cases

1081 v Treffinger, 291 NJ Super 336, 360 (Law Div 1996) 18, 38

AB v YZ, 184 NJ 599, 604 (2005) 9

Abba Gana v. Abba Gana, 251 Ga. 340, 344, 304 S.E.2d 909, 913 (1983) 33

Armstrong v. Manzo, 380 U.S. 545, 550 (1965) 8

Armstrong v. Manzo, 380 U.S. 545, 550, 85 S. Ct. 1187, 1190–91, 14 L. Ed. 2d 62 (1965) 38

Ass'n for Fairness in Bus., Inc. v NJ, 82 F. Supp. 2d 353, 363 (2000) 9

Auman v. Auman, 21 O.O.2d 248, 185 N.E.2d 580 (Ohio Com. Pl. 1962) 31

Carey v. Piphus, 435 U.S. 247, 259 (1978) 5

Carey v. Piphus, 435 U.S. 247, 266–67 (1978) 7

CH v JS No. A-5846-13T1 9

Davis v. Davis, 183 So. 3d 976, 981 (Ala. Civ. App. 2015 31

Demianczuk v. Demianczuk, 20 Ohio App. 3d 244, 246, 485 N.E.2d 785, 789 (1984) 32

Ex parte Third Generation, Inc., 855 So.2d 489, 492–93 (Ala.2003 30

Finstuen v. Crutcher, 496 F.3d 1139, 1156 (10th Cir. 2007) 37

Fuentes v. Shevin, 407 U.S. 67, 81 (1972) 6

Gilman v. Gilman, 41 Wash. 2d 319, 323, 249 P.2d 361, 363 (1952) 34

Goldberg v. Kelly, 397 U.S. 254, 267–68 (1970) 8

Goldberg v. Kelly, 397 U.S. 254, 269 (1970). 8

Goldberg v. Kelly, 397 U.S. 254, 270 (1970) 6

Gordon v Holder, 721 F.3d 638, 653 (D.C. Cir. 2013) 9

Greene v. Lindsey, 456 U.S. 444 (1982) 8

Greene v. McElroy, 360 U.S. 474, 496 (1959) 6

Greene v. McElroy, 360 U.S. 474, 496–97 (1959) 9

HES v JCS, 175 NJ 309, 321-23 (2003). 9

Hospitality Mgmt. Assocs., Inc., v Shell Oil Co., 356 S.C. 644, 591 S.E.2d 611, 613, 619 18

ICC v. Louisville & Nashville R.R., 227 U.S. 88, 93–94 (1913) 8

In Interest of T.B., 497 S.W.3d 640, 648 (Tex. App. 2016) 35

Jones v. Flowers, 547 U.S. 220, 235 (2006) 7

Life and Accident and Health Ins. Guar. Ass'n, 455 U.S. 691, 703-04, 102 S.Ct. 1357, 1365, 71 L.Ed.2d 558, 570 (1982) 17

Lutz, 899 F.2d at 267-68 9

Lynch v City of New York, 589 F.3d 94, 99 (2d Cir. 2009 9

Lynch v City of New York, 589 F.3d 94, 99 (2d Cir. 2009) 9

M.S. v. State Dep't of Human Res., 681 So.2d 633, 635 (Ala.Civ.App.1996). 31

Marriage of Shikany, 268 Mont. 493, 497, 887 P.2d 153, 155 (1994) 32

Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980) 7

Mathews v. Eldridge, 424 U.S. 319, 344 (1976) 5

Matsushita Elec. Indus. Co. v Epstein, 516 U.S. 367, 373, 116 S.Ct. 873, 877, 134 L.Ed.2d 6, 16-17 (1996) 18

Matter of Marriage of Peace, 631 S.W.2d 790, 793 (Tex. App. 1982) 33

May v. Anderson, 345 U.S. 528, 533–34, 73 S. Ct. 840, 843, 97 L. Ed. 1221 (1953). 38

McDonald v. Mabee, 243 U.S. 90, 92 (1971) 8

McDonald, 561 U.S. at 767 9

Milwaukee County v. M. E. White Co., 296 U.S. 268, 56 S. Ct. 229, 80 L. Ed. 220 (1935) 14

Mullane v. Central Hanover Bank & Tr. Co., 339 U.S. 306, at 313, 70 S.Ct. 652, at 656, 94 L.Ed. 865 38

Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999) 10

Nelson v. Adams, 529 U.S. 460 (2000) 7

Notice. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950) 7

Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co., 484 U. S. 97, 104 10

Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co., 484 U.S. 97, 104, 108 S.Ct. 404, 98 L.Ed.2d 415.A 8

Parker v. Colcord, 2 N.H. 36, 39 (1819) 33

Pennoyer v. Neff, 95 U. S. 714, 24 L. ed. 565 37

Peterson v Peterson, 374 NJ Super. 116, 124 (App. Div 2005) 10

Pilkington v. Pilkington, No. 2766, SEPT.TERM, 2015, ... 19

Rainbow v. Ransom, 2010 ME 22, ¶ 2, 990 A.2d 535, 535 34

Richards v. Jefferson County, 517 U.S. 793 (1996) 7

Robinson v. Hanrahan, 409 U.S. 38 (1974) 8

Serrano v. Serrano, 186 A.D.2d 912, 913, 589 N.Y.S.2d 203, 205 (1992) 32

Simmermon v Dryvit Systems, Inc. 196 NJSupr 316 (2008). 18

State v. Reyes, 172 NJ. 154, 161-162 (2002) 18

Tarikonda v. Pinjari, No. 287403, 2009 WL 930007 (Mich. Ct. App. Apr. 7, 2009) .. 31

Tate v. Jordan, 1856 WL 6679 (N.Y. Sup. Ct. 1856) 34

Thompson v City of Atlantic City, 190 NJ 359, 382, 921 A.2d 427 (2007) 18

Thompson v. Thompson, 484 U.S. 174. 175-77, 108 S.Ct. 513, 514-15, 98 L.Ed.2d 512 (1988) 12

Washington v Glucksberg, 521 U.S. 702, 721 (1997); 9

Washington v Trump, 847 F.3d 1151, 1169 (9th Cir. 2017) 9

Williams v. North Carolina, 317 U.S. 287 (1942). 11

Wootton v. Wootton, 49,001 (La. App. 2 Cir. 5/14/14), 138 So. 3d 1253, 1254 35

Statutes

18 U.S.C. Violence Against Women Act CHAPTER 110A - DOMESTIC VIOLENCE AND STALKING § 2265 2

28 U.S. Code § 1738. State and Territorial statutes and judicial proceedings; full faith and credit 3

28 U.S.C. § 1738A(a) 12

28 U.S.C. § 1738A(g) of PKPA 11

28 U.S.C.A. § 1738A the Parental Kidnapping Prevention Act 3

28 U.S.C.A. §1738 NJ UCCJEA; VAWA, 18 U.S.C.A. 2265, ... 14

UCCJEA Sec. 206. Simultaneous Proceedings 3

UCCJEA Sec. 207. Inconvenient Forum 4

Constitutional Provisions

Article IV, Section 1 of the U.S. Constitu 2

Article IV, Section 1 of the U.S. Constitution 29

Section One of the Fourteenth Amendment to the United States Constitution 1

OPINIONS BELOW

The date on which the NJ Supreme Court denied my motion to leave to appeal was January 11, 2019. A timely filed petition for reconsideration was denied by the NJ Supreme Court on June 3, 2019. A copy of the order denying reconsideration appears at Appendix A and is unpublished. Petitioner files present Petition for Writs of Certiorari within 90 days after the NJ Supreme Court denying the petition for reconsideration pursuant to the rules 13.1, and under 28 U.S.C. section 1254(1).

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is unpublished. A timely petition for rehearing was thereafter denied on the following date: June 3, 2019, and a copy of the order denying rehearing appears at Appendix A. The NJ Supreme Court review in Appendix B was completed on an emergent motion, was partially granted and rest was invited to be submitted for a regular motion which was denied as shown above.

JURISDICTION

For cases from **state courts**:

The date on which the highest state court decided my case was January 11, 2019. A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the June 3, 2019 and a copy of the order denying rehearing appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Section One of the Fourteenth Amendment to the United States Constitution provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article IV, Section 1 of the U.S. Constitution provides:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

18 U.S.C. Violence Against Women Act CHAPTER 110A - DOMESTIC VIOLENCE

AND STALKING § 2265 - Full Faith and Credit for Protection Orders provides:

(a) Full Faith and Credit.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory 1 as if it were the order of the enforcing State or tribe.
(b) Protection Order. — A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and
(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.
Full Faith and Credit for Protection Orders 18 U.S.C. § 2265: This section states that any protection order issued by the court of one state, Indian tribe, or territory shall be accorded full faith and credit by the court of another state, Indian tribe, or territory and enforced by the court and law enforcement personnel as if it were the order of the enforcing state, Indian tribe, or territory, provided that the court had proper jurisdiction, and that the person against whom the order was sought was given reasonable notice and opportunity to be heard. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by the state, tribal, or territorial law, and in any event, within a reasonable time so as to protect the respondent's due process rights.

28 U.S. Code § 1738. State and Territorial statutes and judicial proceedings; full faith and credit provides:

> Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

28 U.S.C.A. § 1738A the Parental Kidnapping Prevention Act provides:

> (a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsections (f), (g), and (h) of this section, any custody determination or visitation determination made consistently with the provisions of this section by a court of another State. ...
>
> (e) Before a child custody or visitation determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical custody of a child. ...
>
> (g) A court of a State shall not exercise jurisdiction in any proceeding for a custody or visitation determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody or visitation determination. ...
>
> (h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination.

UCCJEA Sec. 206. Simultaneous Proceedings:

> (a) Except as otherwise provided in Section 204, a court of this State may not exercise its jurisdiction under this Article if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this Act, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this State is a more convenient forum under Section 207.
>
> (b) Except as otherwise provided in Section 204, a court of this State, before hearing a child-custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to Section 209. If the court determines that a child-custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this Act, the court of this State shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this Act does not determine that the court of

this State is a more appropriate forum, the court of this State shall dismiss the proceeding.

UCCJEA Sec. 207. Inconvenient Forum.

(a) A court of this State which has jurisdiction under this Act to make a child-custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.
(b) Before determining whether it is an inconvenient forum, a court of this State shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:
(1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
(2) the length of time the child has resided outside this State; ...
(8) the familiarity of the court of each state with the facts and issues in the pending litigation. ...
(d) A court of this State may decline to exercise its jurisdiction under this Act if a child-custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

STATEMENT OF THE CASE

Petitioner Angela Krasny respectfully petitions for a writ of certiorari to review the judgment of Jacob Krasny vs. Angela Krasny for New Jersey Court of Appeals and New Jersey Supreme Court Case in this case.

LEGAL FRAMEWORK

Civil Procedural Due Process

The United States Constitution Fifth and Fourteenth Amendments contain due process clauses. The Fourteenth Amendment says, "...nor shall any State deprive any person of life, liberty, or property, without due process of law." "Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or

property." Carey v. Piphus, 435 U.S. 247, 259 (1978). "[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases." Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

Respondent failed to provide petitioner with proper notice of the complaint. Respondent claims the complaint was emailed which petitioner has no record of ever receiving. On December 19, 2017 the Honorable Judge Ryan, Superior Court of New Jersey, provided an address for service, The Respondent never attempted service at that address as ordered. Judge Ryan ordered, "acceptance of service of pleadings in this fashion by mother shall not constitute an admission of jurisdiction in New Jersey, nor shall it constitute an order of this court allowing for substituted service of the summons and complaint for divorce upon the mother." (App H)

Respondent states he attempted service at an address where Petitioner no longer lived. His attorneys had been notified by Petitioner of her move two weeks before she vacated that address. After that move, the Respondent's California attorney was successful at providing service on the for the case concurrently proceeding in California. The respondent has still not received personam service of the summons and complaint for the divorce as ordered by Judge Ryan. During this same time the Respondent's California attorney was able to easily and successfully provide serve on the Petitioner for all his California motions. The process would have been just as easy and successful for the New Jersey legal team if they had only attempted such service of notice. This denies the Petitioner's right to adequately know the charges made against her in order to state the truth for accusations made

by Respondent and any witnesses in order to receive a fair unbiased hearing. The Honorable Judge Carney, Superior Court of New Jersey, the third NJ judge, erred by allowing service by publication without respondent attempting to provide proper service to a valid address or by process service following Judge Ryan's order of due process.

The trial court is threatening to require Petitioner to leave her home state of California to move to New Jersey for the summers even though she is a resident of California, has no ties to New Jersey and would cause "serious injuries including loss of job, housing and insurance. The Court in one case said "where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue." Greene v. McElroy, 360 U.S. 474, 496 (1959), quoted with approval in Goldberg v. Kelly, 397 U.S. 254, 270 (1970). By not receiving a copy of the Complaint, the Petitioner is denied the ability to see what the Respondent alleged, and she is denied the "opportunity to show it is untrue".

Elements of due process must "minimize substantively unfair or mistaken deprivations" by permitting persons to challenge the foundation upon which a state proposes to deprive them of protected interests. Fuentes v. Shevin, 407 U.S. 67, 81 (1972). The Court stresses the importance of procedural due process rights to defend a person's interests even if it will not change the result. Carey v. Piphus, 435 U.S.

247, 266–67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 529 U.S. 460 (2000).

Notice. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950) provides:

> "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." See also Richards v. Jefferson County, 517 U.S. 793 (1996) (res judicata may not apply where taxpayer who challenged a county's occupation tax was not informed of prior case and where taxpayer interests were not adequately protected).
>
> "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. "
>
> "But, whether the action be in rem or in personam, there is a constitutional minimum; due process requires "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."
>
> "Before a state may legitimately exercise control over persons and property, the state's jurisdiction must be perfected by an appropriate service of process that is effective to notify all parties of proceedings that may affect their rights."

When an attempt at notice has failed one must take "reasonable followup measures" that may be available. Jones v. Flowers, 547 U.S. 220, 235 (2006) ("state's certified letter, intended to notify a property owner that is property would be sold unless he satisfied a tax delinquency, was returned by the post office marked "unclaimed"; the state should have taken additional reasonable steps to notify the property owner, as it would have been practicable for it to have done so"). "[N]otice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. Goldberg

v. Kelly, 397 U.S. 254, 267–68 (1970)." Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co., 484 U.S. 97, 104, 108 S.Ct. 404, 98 L.Ed.2d 415.A. "Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it." Armstrong v. Manzo, 380 U.S. 545, 550 (1965); Robinson v. Hanrahan, 409 U.S. 38 (1974); Greene v. Lindsey, 456 U.S. 444 (1982).

"[I]f the Petitioner, although technically domiciled there, has left the state with no intention to return, service by publication, as compared to a summons left at his last and usual place of abode where his family continued to reside, is inadequate, because it is not reasonably calculated to give actual notice of the proceedings and opportunity to be heard." "Personal service guarantees actual notice of the pendency of a legal action, and has traditionally been deemed necessary in actions styled in personam." McDonald v. Mabee, 243 U.S. 90, 92 (1971).

Confrontation and Cross-Examination. "In almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses." Goldberg v. Kelly, 397 U.S. 254, 269 (1970). See also ICC v. Louisville & Nashville R.R., 227 U.S. 88, 93–94 (1913). Cf. § 7(c) of the Administrative Procedure Act, 5 U.S.C. § 556(d). Where the "evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealously," the individual's right to show that it is untrue depends on the rights of confrontation and cross-examination. "This Court has been zealous to

protect these rights from erosion. It has spoken out not only in criminal cases, . . . but also in all types of cases where administrative . . . actions were under scrutiny." Greene v. McElroy, 360 U.S. 474, 496–97 (1959).

"The deprivation of constitutional rights 'unquestionably constitutes irreparable injury." Washington v Trump, 847 F.3d 1151, 1169 (9th Cir. 2017) Gordon v Holder, 721 F.3d 638, 653 (D.C. Cir. 2013) ("[A] prospective violation of a constitutional right constitutes irreparable injury."); Lynch v City of New York, 589 F.3d 94, 99 (2d Cir. 2009). A right is protected by the Due Process Clause if it is "fundamental to [our] scheme of ordered liberty" or "deeply rooted in this Nation's history and tradition." McDonald, 561 U.S. at 767; see Washington v Glucksberg, 521 U.S. 702, 721 (1997); Lutz, 899 F.2d at 267-68. US Federal Court, "an alleged constitutional infringement will often alone constitute irreparable harm." Ass'n for Fairness in Bus., Inc. v NJ, 82 F. Supp. 2d 353, 363 (2000). In CH v JS No. A-5846-13T1, the Superior Court of NJ, "Appellate Division strongly concluded that the Petitioner was denied his fundamental due process rights, A litigant in civil proceedings is entitled to a fair hearing, imbued with the protections of due process. See AB v YZ, 184 NJ 599, 604 (2005); HES v JCS, 175 NJ 309, 321-23 (2003).

'The due process guarantee expressed in the Fourteenth Amendment to the United States. The trial court is even in direct conflict with its own New Jersey established law. "States Constitution requires assurance of fundamental fairness during legal proceedings. U.S. Const. amend. XIV, § 1. This includes the opportunity to be heard and requires "procedural safeguards ...' [quoting Peterson v

Peterson, 374 NJ Super. 116, 124 (App. Div 2005)] ... 'Many litigants who come before our courts in domestic violence proceedings are unrepresented by counsel; many are unfamiliar with the courts and with their rights. Sifting through their testimony requires a high degree of patience and care. The pressures of heavy calendars and volatile proceedings may impede the court's willingness to afford much leeway to a party whose testimony may seem disjointed or irrelevant. But the rights of the parties to a full and fair hearing are paramount.' [quoting, MDF, supra, 207 NJ at 481.] Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999) states:

> "A named Petitioner's time to remove is triggered by simultaneous service of the summons and complaint, or receipt of the complaint, 'through service or otherwise,' after and apart from service of the summons, but not by mere receipt of the complaint unattended by any formal service. Pp. 350-356." "a) Service of process, under longstanding tradition in our system of justice, is fundamental to any procedural imposition on a named Petitioner. In the absence of such service (or waiver of service by the Petitioner), a court ordinarily may not exercise power over a party the complaint names as Petitioner. See Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co., 484 U. S. 97, 104. Accordingly, one becomes a party officially, and is required to take action in that capacity, only upon service of a summons or other authority-asserting measure stating the time within which the party served must appear and defend. See Fed. Rules Civ. Proc. 4(a) and 12(a)(1)(A). Unless a named Petitioner agrees to waive service, the summons continues to function as the sine qua non directing an individual or entity to participate in a civil action or forgo procedural or substantive rights. Pp. 350-351."

Jurisdiction Commencing in NJ During Pendency in CA

Under section 207 of the UCCJEA, "a court may, after taking into account specified factors, determine that another State is better able to decide custody. These factors include whether domestic violence has occurred and, if so, which State can best protect the parties and child." The Honorable Judge Brenner of New Jersey

communicated with the Honorable Judge Adams of California under the UCCJEA and determined California was the best state to settle the matters, ordered jurisdiction transferred to California on May 10, 2017 (App E) and ordered NJ did not have jurisdiction until all matters were settled in CA. From page 44 of Transcript of Hearing, May 10, 2017 (App P):

> "THE COURT: I don't have jurisdiction of the matter right now. You've acknowledged that. California has jurisdiction over the matter.
> ...
> THE COURT: It ends on May 18th or any date thereafter when the final restraining order hearing is done. ... and Mr. Krasny is free to come into court on an emergency application at that point ..."

Respondent retained a new attorney then defied the order and filed several motions and a divorce complaint arguing the exact same issues already underway in California while jurisdiction clearly resided in California. The final California order was December 20, 2017 (App G) transferring jurisdiction to New Jersey upon New Jersey courts registering the order by January 31, 2018. Petitioner submitted California orders twice to get transferred to New Jersey. The New Jersey trial judge erred by not registering the California orders. All motions filed prior to jurisdiction transfer back to New Jersey is in direct conflict with both New Jersey and California orders, jurisdictional agreement, this Honorable Court, the PKPA, the UCCJEA and the VAWA.

"Refrain from exercising jurisdiction while another State is exercising jurisdiction over a matter consistently with the PKPA. This section prohibits simultaneous proceedings." Williams v. North Carolina, 317 U.S. 287 (1942). 28 U.S.C. § 1738A(g) of PKPA requires "states to accord full faith and credit to another

state's child custody determination made in compliance with the statute's provisions. 28 U.S.C. § 1738A(a)."

The U.S. Supreme Court succinctly summarized "Once a State exercises jurisdiction consistently with the provisions of the Act, no other State may exercise concurrent jurisdiction over the custody dispute, § 1738A(g), even if it would have been empowered to take jurisdiction in the first instance, and all States must accord full faith and credit to the first State's ensuing custody decree" in Thompson v. Thompson, 484 U.S. 174. 175-77, 108 S.Ct. 513, 514-15, 98 L.Ed.2d 512 (1988).

"Home State"

To comply with the order of the Honorable Judge Brenner, Respondent would not be allowed to refile until December 21, 2017. By that date all the children had been residents of California and had not resided in New Jersey for over 8 months, well past the six-month requirement of the UCCJEA so no New Jersey jurisdiction. The UCCJEA Sec. 207(d) states, "A court of this State may decline to exercise its jurisdiction under this Act if a child-custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding." Even as filed, the Respondent was found to be a domestic abuser after a 3-day hearing and appeals. The UCCJEA Sec. 207(b)(1) states State courts "shall consider" ... "whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child". Thus, the trial judge erred by not considering domestic violence substantiated by the California protective order (App. F) three-day hearing.

The UCCJEA Sec. 207(b)(2) also requires consideration of "the length of time the child has resided outside this State" and the children at that point had outside New Jersey for more than 8 months. The UCCJEA Sec. 207(b)(4) requires consideration of "the relative financial circumstances of the parties" which both parties are found to be or claim extremely low incomes. Travel for eight to New Jersey is much more burdensome than travel for one to California. The UCCJEA Sec. 207(b)(6) also requires consideration of "the nature and location of the evidence required to resolve the pending litigation, including testimony of the child" where at that point all evidence resided and continues to reside in California. The UCCJEA Sec. 207(b)(8) requires consideration of "the familiarity of the court of each state with the facts and issues in the pending litigation." California had already conducted a three-day hearing and months of motions, appeals, testimony and other legal actions. California had and continues to have all the facts and issues while New Jersey would have to recreate the entire hearing already conducted in California.

The trial judge erred by not appropriately considering California as being the most appropriate forum for this matter.

Full Faith and Credit

The U.S. Constitution Article IV Section 1 requires "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof."

The Full Faith and Credit Clause ensures that judicial decisions rendered by the courts in one state are recognized and honored in every other state. It also prevents parties from moving to another state to escape enforcement of a judgment or to relitigate a controversy already decided elsewhere, a practice known as forum shopping.

In drafting the Full Faith and Credit Clause, the Framers of the Constitution were motivated by a desire to unify their new country while preserving the autonomy of the states. To that end, they sought to guarantee that judgments rendered by the courts of one state would not be ignored by the courts of other states. The Supreme Court reiterated the Framers' intent when it held that the Full Faith and Credit Clause precluded any further litigation of a question previously decided by an Illinois court in Milwaukee County v. M. E. White Co., 296 U.S. 268, 56 S. Ct. 229, 80 L. Ed. 220 (1935). The Court held that by including the clause in the Constitution, the Framers intended to make the states "integral parts of a single nation throughout which a remedy upon a just obligation might be demanded as of right, irrespective of the state of its origin."

28 U.S.C.A. §1738 NJ UCCJEA; VAWA, 18 U.S.C.A. 2265, "Any protection order issued that is consistent with subsection (b) of this section by the court of one State ... shall be accorded full faith and credit by the court of another State...and enforced by the court and law enforcement personnel of the other State..."

On December 19, 2017 the Honorable Judge Ryan, Superior Court of New Jersey, granted Appellant's request to quash the respondent's emergent motion for appellant's return to New Jersey recognizing and upholding the California orders including the California protective orders. Judge Ryan California protective order is verifiable "and, therefore, this court must accord the same "full faith and credit"

under VAWA, 18 U.S.C. Section 2265. ... the court relies upon the presumption of custody in favor of the mother ... Accordingly, the court will not enter any emergent ruling requiring mother to return to New Jersey with the children, nor compel the mother to allow father to see the children, other than in accordance with the provisions of the California DVRO, and pending further proceedings in New Jersey."

Judge Ryan was transferred, and Judge Carney took over the case. The February 16, 2018 order (App. I) provided full faith and credit to the CA orders by enforcing the orders; denying forcing the move to NJ; denied overly intrusive therapist releases; granting child and spousal support in part by first requiring parties submit CIS. The May 10, 2018 tentative ruling (App. J) continued to grant enforcement of December 20, 2018 order but removed DVRO protections by (1) requiring signing releases and authorizations prepared by the Respondent that goes beyond allowances of CA orders and (2) changing CA visitation orders from occurring in CA to force Appellant to move to NJ for the entire summer; (3) changed reunification therapy to take place in NJ without even requiring consultation with children's therapists. The May 11, 2018 order (App. K) (1) arbitrarily and capriciously withdrew enforcement of the CA December 20, 2018 order and (2) upheld the 3 weakened protections of the DVRO in the tentative; and (3) awards child support but fails to discuss spousal support addressed in February order. The July 26, 2018 tentative decision/Pre-Judgement Order for July 27 (App. L) order granted the stay for the entire May 11, 2018 order. The order included the orders if not granted stay and in the order tentative decision the lower court did not allow the reconciliation therapist the authority to overrule the DVRO visitation restriction of "professionally supervised visitation" in CA. The July 27, 2018 order (App. M) arbitrarily and capriciously denied the stay and continued to remove even

more protections of the DVRO and December 20, 2017 orders instead of giving full faith and credit to the sister state orders by (1) continuing to order 4 previous changes to the protections including forcing the family to move to NJ without appropriate consideration of harm; (2) ordering abuser can use police to force the family to leave their home to move to NJ; (3) releasing the confidential residential address of the victims; (4) giving the reunification therapist authority to change the DVRO protections of "professionally supervised visitation" in CA; (5) changing the DVRO from "None of the children shall be forced to attend any of the visits" to allowing only 3 children the protection without consultation with their therapists. The only remaining requests of overturning the DVRO and December 20, 2018 order of the Respondent not granted by the lower court is overturn custody, permanent move to NJ and extended (overnight) visitations.

On August 24, 2018, the Superior Court of NJ Appellate Division Docket No. A-4648-17, "vacated paragraphs one and two of the trial court's July 27, 2018 order and remand for the court to reconsider its order." And "Both New Jersey and California have adopted the Uniform Child Custody Jurisdiction and Enforcement Act, which requires one state to recognize and enforce a custody order of another state. ... the court should instruct Plaintiff to initiate proceedings in California to enforce the court's order." (App. C)

August 27, 2018, Judge Talamantes restated "father is a domestic abuser", retained jurisdiction over enforcement of the terms of the DVRO but ordered divorce filed first in New Jersey and divorce jurisdiction resided in New Jersey.

On September 6, 2018, Supreme Court of NJ issued Single Justice Disposition (App. B) on Application for Emergent Relief staying paragraph three of the trial court's July 27, 2018 and stated Appellant "may file a regular motion for

review by the Supreme Court" for the remaining non-emergent issues.

Even though issues had been addressed and remanded by both the New Jersey Appellate and New Jersey Supreme Courts on September 13, 2018 the lower court ignored the remands by ordering for summer 2019, "the goal shall be that the plaintiff shall be able to exercise parenting time with children in New Jersey during next summer." (App. D) This also ignores Petitioners U.S. Constitutional Right to life, liberty and pursuit of happiness by requiring her to give up her employment and housing to take children to New Jersey for the entire summer while Plaintiff, a school teacher, has summers off work and has free housing with sister and community members in Los Angeles. Also, despite the Supreme Court ordering trial court to "ensure that is not in conflict with any provision of the CA protective orders" the trial court erred by issuing subsequent orders in direct conflict with California orders that would weaken the protections of the children. Mother fears for the lives of her children and herself if protections are removed.

In 1935 Supreme Court reaffirmed the intent to make the states "integral parts of a single nation," in which a judgment is to be enforced, no matter its state of origin.(Milwaukee County v M. E. White Co.); "The full faith and credit doctrine is essential to our system of federalism, a system comprised of fifty different states, each equal to the other and each with its own distinctive judicial system. Underwriters Nat'l Assurance Co. v N.C. Life and Accident and Health Ins. Guar. Ass'n, 455 U.S. 691, 703-04, 102 S.Ct. 1357, 1365, 71 L.Ed.2d 558, 570 (1982). Because the doctrine recognizes that we are one nation, not fifty principalities, respect for the judgments entered by the court of a sister state is critical to avoid the type of divisive parochialism that breeds duplicative litigation and waste of judicial resources. Ibid. Under the Full Faith and Credit Act, our courts must treat

a Tennessee state court judgment with the same respect that judgment would receive in a Tennessee court. See Matsushita Elec. Indus. Co. v Epstein, 516 U.S. 367, 373, 116 S.Ct. 873, 877, 134 L.Ed.2d 6, 16-17 (1996). A class action judgment in a sister state, "like any other judgment, is presumptively entitled to full faith and credit" in a New Jersey court. Id. at 373-74, 116 S.Ct. at 878, 134 L.Ed.2d at 17. ... Principles of comity and federalism, which undergird the full faith and credit doctrine, counsel that ordinarily a sister state court-not a New Jersey court-should entertain challenges to the fairness or adequacy of one of its judgments. See Hospitality Mgmt. Assocs., Inc., v Shell Oil Co., 356 S.C. 644, 591 S.E.2d 611, 613, 619" Simmermon v Dryvit Systems, Inc. 196 NJSupr 316 (2008). "Comity is grounded in notions of accommodation and good-neighborliness, and is a necessary expedient to preserve the delicate balance of power and harmonious relations among the various sovereigns of our federalist system." Thompson v City of Atlantic City, 190 NJ 359, 382, 921 A.2d 427 (2007)

Respondent was found to be an abuser after lengthy fair hearings. Petitioner is afraid for the safety of herself and the children. Failure to give "full-faith and credit" to the protective order would result in further abuse against victims or even death. A forced move from CA even for a few months would case the Petitioner to lose her job, housing, and insurance making her homeless and destitute. In separate case New Jersey Supreme Court found that employees having to "sell their homes, pull their children out of school, and move their families..." constituted immediate irreparable harm. Communications Workers of Am., AFL-CIO, Local 1040 and 1081 v Treffinger, 291 NJ Super 336, 360 (Law Div 1996). The courts were arbitrary and capricious in failing to protect the same rights of the Petitioner.

State v. Reyes, 172 NJ. 154, 161-162 (2002) concluded NJ must enforce DVROs from other States in favor of the victim.

Pilkington v. Pilkington, No. 2766, SEPT.TERM, 2015, 2016 WL 6962572 (Md. Ct. Spec. App. Nov. 29, 2016)

> "[T]he circuit court in this case exceeded the jurisdictional restraints imposed under the Maryland UCCJEA by entering an order that modified a foreign jurisdiction's existing custody order when Maryland was not the child's home state and there was no other jurisdictional basis to modify an existing order under FL § 9.5-203." In its Opinion, the appellate court concluded that the Father's request for enforcement "would be confined to the terms of the Colorado Order" and any order enforcing such must "include specific temporal limits . . . something the underlying order granting sole legal and primary physical custody to [the Father] did not do." "The appellate court therefore vacated the lower court's Order modifying custody and remanded the case for further proceedings "with instructions that the court limit itself to the authority contained in the Maryland UCCJEA's enforcement subtitle."

PKPA imposes a duty on the States to enforce a child custody determination entered by a court of a sister. Once a State exercises jurisdiction consistently with the provisions of the Act, no other State may exercise concurrent jurisdiction over the custody dispute, § 1738A(g), even if it would have been empowered to take jurisdiction in the first instance, and all States must accord full faith and credit to the first State's ensuing custody decree. PKPA subsection (g) reads, "A court of a State shall not exercise jurisdiction in any proceeding for a custody or visitation determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody or visitation determination." PKPA subsection (h) reads, "A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination." Judge Talamantes of Marin County, CA

confirmed he still has jurisdiction of the California orders and will not surrender them. Judge Carney is attempting to modify his orders.

HISTORICAL AND LEGAL BACKGROUND

The parties married November 9, 1997 in Las Vegas, NV with eight children born from 2000 to 2014. For more than 12 years Mother, Petitioner, and the party's seven surviving children experienced extreme physical, emotional, financial & sexual abuse at the hands of Father. Parties separated in 2016. Mother returned with children to marital home avoiding shunning by Orthodox Rabbis and community. Parties permanently separated around 1/2017 with Mother & children staying in family home after Child Protection & Permanency (CP&P) said father shall not live in house with children. In April of 2017, the father tried to gain access to the house without mother's knowledge or consent. The mother feared for the life & safety of children and herself.

The Mother and children fled across country to escape extreme abuse to a Domestic Violence shelter with enough room for all of them. April 28, 2017, Petitioner filed for and received (on May 1, 2017) a Temporary Restraining Order which she had properly served on Respondent by a process server.

Meanwhile the Respondent filed an emergency motion in New Jersey to have the mother arrested and for him to get custody of the children. Respondent never provided service of the motion even though he knew of her physical location in California. Hours before the hearing a 3rd party informed a family member of Mother that Father had filed an emergent custody case in NJ. Petitioner contacted CP&P who told her she had done the right thing to keep children safe and to notify

the Judge of the family's case history of domestic violence and the current case in California.

The Honorable Judge Brenner, Ocean County Superior Court, communicated with the Honorable Judge Adams, Marin County Superior Court (CA), and determined the best forum under the Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA)for settling the issues was California for all issues and California would have jurisdiction for all actions filed including a protective order, custody, visitation and attorney fees. On 5/10/17 Judge Brenner ordered jurisdiction released to CA for all matters in the domestic violence application as specified above and ordered Respondent could refile "upon completion of matters" in CA. (App E) Page 45 of Judge Brenner's transcripts, "THE COURT: It ends on May 18th or any date thereafter when the final restraining order hearing done. ... Mr. Krasny is free to come into to court ... at that point ..." (App P). Immediately afterward, Respondent requested a new judge in California and case moved to the Honorable Judge Talamantes.

After months of aggressive motions, depositions, testimony and appeals by father and a three-day hearing the Respondent was found to be an abuser and the final protective order was issued on September 14, 2017, protecting Mother and all seven children. Mother was awarded legal & physical custody. Father was granted severely restricted professionally supervised visitation and phone visitation. It was ordered children would not be forced to participate in either type of visitation. Mother was awarded court fees.

Without providing due process to the Petitioner, Respondent defied Judge Brenner's order by filing a complaint for divorce in NJ, claiming extreme cruelty, requesting custody and visitation while the California case was still being argued as agreed by both courts would be the best forum under UCCJEA. These were the exact matters Judge Brenner gave primary jurisdiction for to CA on May 10, 2017. The Court specifically told Plaintiff NJ doesn't "have jurisdiction over the matter right now. ... CA has jurisdiction over the matter." (App E). Breaking the agreement between the states on jurisdiction is a direct attack on the rule of law. If the agreement between state courts is not up-held comity between courts will be damaged. Plaintiff never attempted to provide proper civil procedural due process to the Petitioner of the complaint despite her continuous availability so she would know the allegations against her to be able to properly defend herself.

Before the California matters were settled, Respondent also filed another emergent order to force Mother to move to New Jersey and again failed to serve Petitioner though she was available for service at known locations several times every day and on several occasions in the same room or park with Respondent and/or his attorney. Again, the Petitioner learned of the December 19, 2017 hearing through a 3rd party and only learned of divorce complaint in that hearing. On December 19, 2018, the Honorable Judge Ryan (NJ) denied the emergent claim; found the DVRO deserving full faith & credit; & ordered email service was only good for the emergent matter that was before Judge Brenner & did not constitute jurisdiction, actual service of the Divorce Complaint or constitute an order allowing

for substitution of service of the divorce complaint. Respondent had ample opportunity to provide due process to Petitioner knowing where the she would be at least twice a day and in the same room or park together on several occasions. A 3rd party could have provided personal service during school drop-off or pick-up 5 days a week. Respondent's attorney could have served Petitioner when he was taking photos of the children, Petitioner, the driver and the license plates of the car in a parking lot.

After getting a third judge in New Jersey, Respondent still had not attempted due process until for over a year after filing. The only alleged attempt was to an old address his attorneys knew was vacated much earlier. Petitioner provided notice to the Respondent's attorney two weeks prior to moving and the attorney acknowledged receipt of notice, thus, the Respondent knew she would not be at that address before the alleged mailing. Respondent never provided proof of service attempt and nothing was ever forwarded from Respondent though other mail was forwarded. In complete contradiction, the Respondent's California attorney knew of Petitioners was successfully able to serve the Petitioner California court documents during the exact period of time since California is very diligent about due process. When Petitioner adamantly insisted on receiving service or have the case dismissed, Judge Carney asked Petitioner if she would accept phone service instead. Petitioner said no because she would not be allowed to see the accusations brought against her, witness claims, etc in order to properly defend herself. Petitioner never objected to proper civil procedural due process instead had requested it for months. When

pressed, the Respondent also claimed it was emailed even though Judge Ryan ordered emailing was not approved for proper service and Petitioner cannot locate such in her email. Thus, Plaintiff's claims of Defendant avoiding service makes absolutely no sense. If service can be accomplished for California motions it could be accomplished for New Jersey motions also. Defendant asked for her right to due process be respected and secured or the case dismissed. The trial court erred by equating requesting personal service to avoidance of service and allowing service by publication then ordering the forced removal of the Petitioner and children from their home. Plaintiff never attempted to provide personal service in over a year. Defendant hasn't received personal service to date. Many professionals provide such service in CA. Petitioner therefore respectfully asks that this court grant an involuntary dismissal since Petitioner was denied due process rights protected by the U.S. Constitution and the actions were filed while jurisdiction resided in CA during an active case which NJ courts surrendered jurisdiction under UCCJEA.

Judge Ryan (second New Jersey Judge) found the California orders "verifiable" and deserving of "full faith and credit". Judge Carney (third New Jersey Judge) who gave "full faith & credit" to the CA orders in February 2018 and denied motion forcing Mother to move to NJ. With the CA orders and protective order being recognized by two NJ courts, Petitioner tried twice in December 2017 and again in February of 2018 to register the protective order in New Jersey. Lower court erred by failed to register the protective order. May 11, 2018 and July 27, 2018 the Judge arbitrarily & capriciously reversing most of the major protective measures of the

protective order even though the protective order was valid, current and the California Judge stated he retained jurisdiction over the protective order and would not allow the children to be forcibly removed from California.

On August 15, 2018, Respondent was convicted of contempt of court by Judge Talamantes and sentences to 60 hours of community service. Respondent has still not come into compliance with the order and could be brought in for further contempt charges.

On August 24, 2018, the Superior Court of NJ Appellate Division Docket No. A-4648-17 on an emergent motion vacated the paragraphs one and two of the trial court's July 27, 2018 order requiring mother to leave California to spend the entire summer in New Jersey with the children and requiring police to forcibly remove the Petitioner and children from California. The Appellate Division ordered "remand for the court to reconsider its order" and added "Both New Jersey and California have adopted the Uniform Child Custody Jurisdiction and Enforcement Act, which requires one state to recognize and enforce a custody order of another state. ... the court should instruct Plaintiff to initiate proceedings in California to enforce the court's order."

August 27, 2018, Judge Talamantes restated "father is a domestic abuser", retained jurisdiction over enforcement of the terms of the DVRO and ordered divorce filed first in New Jersey.

On September 6, 2018, the Supreme Court of NJ issued Single Justice Disposition on Application for Emergent Relief staying paragraph three of the trial

court's July 27, 2018 allowing for the Respondent to track down the physical address of the Petitioner in direct conflict with the Violence Against Women Act and stated Petitioner "may file a regular motion for review by the Supreme Court" for the remaining non-emergent issues.

Even though issues had been addressed and remanded by both the New Jersey Appellate and New Jersey Supreme Courts on September 13, 2018 the lower court ignored the remands by ordering for summer 2019, "the goal shall be that the plaintiff shall be able to exercise parenting time with children in New Jersey during next summer." This also ignores Petitioners U.S. Constitutional Right to life, liberty and pursuit of happiness by requiring her to give up her employment and housing to take children to New Jersey for the entire summer while Plaintiff, a school teacher, has summers off work and has free housing with sister and community members in Los Angeles. Also, despite the Supreme Court ordering trial court to "ensure that is not in conflict with any provision of the CA protective orders" the trial court erred by issuing subsequent orders in direct conflict with California orders that would weaken the protections of the children. Mother fears for the lives of her children and herself if protections are removed.

Petitioner timely filed a regular motion to the Supreme Court of New Jersey for remaining non-emergent issues including all issues brought to the U.S. Supreme Court. On January 11, 2019, the Supreme Court of New Jersey denied the motion for leave to appeal and to file a reply brief. Petitioner timely asked for reconsideration and The Supreme Court of New Jersey denied motion for

reconsideration on June 3, 2019.

The Petitioner and all children have been residents of California since April 2017 and have not been to New Jersey for well over 2 years.

REASONS FOR GRANTING THE PETITION

The questions presented are ripe for the Court's review and this case is an ideal vehicle for resolving it. The decision below raises constitutional concerns. Review should be granted to resolve constitutional concerns, the split between the NJ courts and other state courts, correcting the arbitrary and capricious ignoring of this Honorable Court's rulings and the questions presented are of fundamental importance which could impact thousands or more.

Constitutional and Statutory Concerns

"The Constitution, federal statutes, and treaties are the law, and the systematic development of the law is accomplished democratically." The Honorable Justice Clarence Thomas, concurring Terance Martez Gamble v. United States. No. 17-646, 587 U.S. ___ (2019).

These issues are important not only because they could impact thousands to millions of people but also because allowing the rulings to stand would severely diminish the protections afforded by the U.S. Constitution and/or Congress. of due process, full faith and credit and non-concurrent jurisdiction. These issues are vital to human rights of Americans and should be addressed uniformly throughout the country. If the rulings are allowed to stand the Petitioner will lose her right of life, liberty and pursuit of happiness fundament to this great nation.

Because of the err of the lower court, the Petitioner could not review the charges against her. Instead to respond she had to verbally listen to third party read the complaint. She has no idea if what she heard was correct and complete. This is not what the founders foresaw when composing the 5th and 14th Amendments of the U.S. Constitution. Thus, she is being denied being heard at a fair and impartial hearing. If the lower court's decision stands precedent would be set for anyone involved in a divorce proceeding in New Jersey being subject to a denial of their due process rights of service of the complaint, simply by the opposition failing to even attempt service. This would deny their rights to defend themselves against the accusations made against them resulting in an unfair hearing. With a divorce rate of about 1.4% and population of about 8.94 million, each year 124,266 people could potentially be impacted of denied process service as protected by law.

In May of 2017, Judge Brenner of NJ and Judge Adams of CA spoke and determined the best forum would be for California to take temporary jurisdiction over the matters until the final order regarding the domestic violence hearing which would include custody and visitation. Judge Brenner concisely and repeated told the respondent he must wait until after the final order from California before refiling in NJ because NJ had no jurisdiction until that time. Respondent filed again six months prior to the final order – directly defying Judge Brenner's order. The filing of this was a direct violation of the PKPA and the UCCJEA. One of the major reasons Congress passed the UCCJEA was to avoid concurrent jurisdiction and

forum shopping in custody cases across America. Since the passage of the UCCJEA, all states have adopted it except Massachusetts and the territory of Puerto Rico. If the ruling of the lower court is allowed to stand, it could push advances of the UCCJEA back decades and return the nation to a time when multiple states would have contradictory orders. This could severely impact upwards to hundreds of thousands of citizens. According the Centers for Disease Control and Prevention's National Marriage and Divorce Rate Trends document 787,251 divorces were reported in 45 reporting States and D.C. Since divorce is between two people that would mean 1,574,502 were divorced in 2017. Thus, if the UCCJEA requirement "a court of this State may not exercise its jurisdiction under this Article if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state" is no longer law of the land – thousands of parents and children could be wrongly impacted.

Article IV, Section 1 of the U.S. Constitution provides, "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." This includes protective orders for women and children across the county. If states were no longer required to give full faith and credit to orders it could result in hundreds of thousands of people forum shopping not only for custody and domestic violence cases but also they could attempt to use the new precedent to go to another state to get a different ruling.

Split with Other States

The aforesaid state split respectfully requires this Honorable Court's resolution. This case will resolve clear conflicts of law to ensure all 50 states operate under the same interpretation of the law.

Due Process

New Jersey: On December 19, 2017, Judge Ryan of NJ found the California orders were verifiable and gave full faith and credit to the orders.

New Jersey – On February 16, 2018 Judge Carney found the orders were verifiable thus requiring full faith and credit. In her Pre-Judgement Order returnable May 11, 2018 Judge Carney continued to give full-faith and credit to the orders. On May 11, 2018, she arbitrarily and capriciously withdrew full-faith and credit from and then withdrew or altered most of the remaining protections parts of the orders on June 27, 2018. The New Jersey Appellate and Supreme Courts vacated portions of the June 27 order and remanded the order to be revised to give full faith and credit to the California. On 9/13/18 the lower court ignored Appellate remands Judge Carney ordered the goal is to force the move to New Jersey the following year. NJ Supreme Court denied hearing appeal of the 9/13/18 order.

Alabama:

> "because divorce judgment was entered in violation of due process, divorce judgment was void" Davis v. Davis, 183 So. 3d 976 (Ala. Civ. App. 2015)
> So important is procedural due process to our system of justice that the failure to provide parties with proper notice and an opportunity to be heard before the entry of a judgment can render that judgment void. *See Ex parte Third Generation, Inc.*, 855 So.2d 489, 492–93 (Ala.2003).

M.S. v. State Dep't of Human Res., 681 So.2d 633, 635 (Ala.Civ.App.1996). In *M.S.*, a child-dependency case, the juvenile-court clerk's office mailed the child's parents notice of the date of the scheduled dependency hearing, but the notice was returned to the clerk because the clerk had used an incorrect zip code. The clerk made no further effort to contact the parents, who were not present at the hearing. *Id.* This court reversed the judgment entered in that case, concluding that the juvenile court, through its clerk, had assumed the duty of notifying the parents of the hearing and that its failure to do so denied the parents their right to procedural due process. *Id.* Davis v. Davis, 183 So. 3d 976, 981 (Ala. Civ. App. 2015)

"Similarly, in this case, the circuit clerk's failure to notify the husband of the hearing in the divorce action after the notice the clerk sent was returned deprived the husband of his right to procedural due process. " 'A judgment or order that is entered in violation of principles of procedural due process is void. *See Ex parte Third Generation, Inc.*, 855 So.2d 489, 492 (Ala.2003) (discussing *Neal* [*v. Neal,* 856 So.2d 766 (Ala.2002)], and concluding that a judgment is void if it violates principles of procedural due process).' " *Ex parte Montgomery,* 97 So.3d 148, 152–53 (Ala.Civ.App.2012) (quoting *Ex parte Montgomery,* 79 So.3d 660, 670 (Ala.Civ.App.2011)). Accordingly, the divorce judgment entered on March 6, 2014, is void. Because a void judgment will not support an appeal, *see, e.g., Landry v. Landry,* 91 So.3d 88, 90 (Ala.Civ.App.2012) ("A void judgment will not support an appeal."), we must dismiss the appeal from the divorce judgment (case no. 2130821), albeit with instructions to the trial court to vacate the March 6, 2014, judgment." Davis v. Davis, 183 So. 3d 976, 981 (Ala. Civ. App. 2015)

Michigan:

The Court of Appeals held that wife was denied due process in the Indian divorce arising from husband's pronouncement of the triple talaq, and as such, the trial court erred by recognizing the Indian divorce and dismissing wife's divorce complaint. Tarikonda v. Pinjari, No. 287403, 2009 WL 930007 (Mich. Ct. App. Apr. 7, 2009)

Ohio:

On defendant's motion to have service of summons quashed, the Court of Common Pleas, Lamneck, J., held that published notice reciting that defendant must answer petition 'after the date of the sixth publication of this notice' was insufficient for failure to notify defendant that answer was due by seventh day after last publication of notice. Auman v. Auman, 21 O.O.2d 248, 185 N.E.2d 580 (Ohio Com. Pl. 1962)

Montana:

> "The insufficiency of this effort is compounded by the facts that: Terry knew Carol was going to visit her mother in Andover, Massachusetts; Terry had Carol's mother's phone number and address in Andover, Massachusetts; Terry had Carol's mail forwarded to her brother's home in Michigan; and Terry had previously located Carol in Missoula to serve her with the dissolution petition from their first marriage. Insufficient service of process is an ample ground to vacate the default judgment in this case. Fonk v. Ulsher(1993), 260 Mont. 379, 383, 860 P.2d 145, 147; citing Sink v. Squire (1989), 236 Mont. 269, 273, 769 P.2d 706, 708, and Shields v. Pirkle Refrigerated Freightlines, Inc., et al. (1979), 181 Mont. 37, 45, 591 P.2d 1120, 1125. In Fonk, Fonk's mother was personally served instead of Fonk; a default judgment was subsequently entered, and Fonk moved to set aside the default judgment because he was not properly served. Fonk, 860 P.2d at 146. We held that service upon Fonk's mother was insufficient service upon Fonk; to hold otherwise would violate Fonk's due process rights under the Fourteenth Amendment to the United States Constitution and Article II, Section 17 of the Montana Constitution. Fonk, 860 P.2d at 148. Since Fonk was not validly served, we held that the default judgment was void. Fonk, 860 P.2d at 148." In re Marriage of Shikany, 268 Mont. 493, 497, 887 P.2d 153, 155 (1994)

New York:

> "service by publication in matrimonial actions is disfavored and should be utilized only as a last resort where all other methods of service are unavailable, including possible methods of expedient service under CPLR 308(5) (*see,* Scheinkman, 1991 Supp. Practice Commentary, McKinney's Cons Laws of NY, Book 14, Domestic Relations Law C232:3 [1991 Pocket Part], at 5; *see also, Caban v. Caban,* 116 A.D.2d 783, 784, 497 N.Y.S.2d 175). Here, the papers submitted by plaintiff in support of his application for an order of publication omitted material information which, in effect, negated his claim that service could not be made with due diligence by any method other than publication." Serrano v. Serrano, 186 A.D.2d 912, 913, 589 N.Y.S.2d 203, 205 (1992)

Ohio:

> Plaintiff-husband unquestionably knew his wife's former address, even if he didn't know her address when he filed this suit. Additionally, the trial court could find from the evidence that plaintiff-husband knew his wife's address or failed to exercise reasonable diligence to determine it. Demianczuk v. Demianczuk, 20 Ohio App. 3d 244, 246, 485 N.E.2d 785, 789 (1984)

Georgia:

> Because the record in this case clearly reveals that reasonably available channels of possible information were open to appellee, and because it further

appears that she made no significant attempt to ascertain appellant's location, we conclude that the trial court erred in authorizing service by publication. We have previously held that an interested party's actual knowledge of pending proceedings is of no consequence unless he was legally served or waived service. Henry v. Hiawassee Land Co., supra 246 Ga. at 88, 269 S.E.2d 2; Smith v. Smith, 244 Ga. 230(1), 259 S.E.2d 480 (1979); Dunn v. Dunn, 221 Ga. 368(1), 144 S.E.2d 758 (1965). Abba Gana v. Abba Gana, 251 Ga. 340, 344, 304 S.E.2d 909, 913 (1983).

Texas:

However, the evidence is factually insufficient to show that Charles used due diligence to locate the whereabouts of Guadalupe. In fact, the record is devoid of such evidence. Rather, the record shows that, with due diligence, Charles could have ascertained Guadalupe's whereabouts in Mexico. Under these circumstances, we are precluded from any implied finding of due diligence in support of the judgment. Rule 299 Tex.R.Civ.P. (Vernon 1977). Guadalupe's fourth point of error is sustained. Matter of Marriage of Peace, 631 S.W.2d 790, 793 (Tex. App. 1982)

Commencing During Pendency

New Jersey never addressed this issue as requested in several motions.

New Hampshire:

In both actions, then, as the parties and the subject-matter are the same, the last action must be abated; (Bac. Ab. "Abatement " M.--2 Mass. Rep. 338.--Com. Di. "Action " K. 4.--6 John. Rep. 26,) because it was commenced during the pendency of the first one. Parker v. Colcord, 2 N.H. 36, 39 (1819).

New York:

Under the practice in Chancery, the bill was required to be filed before the subpœna could be issued; and of course, some time must, and much might, elapse after the subpœna was issued before it could be served. But it was said as long ago as 1815, in the case of Murray v. Ballou, (1 John. Ch. R., 576), that the "lis pendens begins from the service of the subpœna after the bill is filed." The soundness of this position was recognized in Hayden v. Bucklin, (9 Paige, 516).

The ground of the decision in Burroughs v. Reiger is that notice of the pendency of an action which has not been commenced is an impossibility and an absurdity. But as soon as process has been served, the action is commenced; and then this reasoning loses its force. The fact stated does then exist. The action is then pending. The notice ceases to be the statement of a falsehood, and becomes notice of a fact. To hold the notice invalid forever, because there may have been some interval of time however short, when it

was not true in point of fact, and was therefore null, is to make a rule of law superior to and independent of the reason on which it is founded. The maxim, cessante ratione, cessat quoque lex, applies. Tate v. Jordan, 1856 WL 6679 (N.Y. Sup. Ct. 1856)

Washington:

It is the action first commenced, and which is still pending when the second suit is started, which must stand. Olson v. Seldovia Salmon Co., 89 Wash. 547, 154 P. 1107. A subsequent suit cannot be pleaded in abatement of a prior action for the same cause. Brice v. Starr, 93 Wash. 501, 161 P. 347. Gilman v. Gilman, 41 Wash. 2d 319, 323, 249 P.2d 361, 363 (1952)

Home State

Judge Carney arbitrarily and capriciously denied the request to change home state to California even though mother went there to escape domestic violence, the children had lived for over a year, all evidence had already been present in California and it is where all current doctors and teachers resided. Mother had ties to California for escape since her mother and cousins live there as well as the respondent's sister's family.

Hawaii - Rainbow v. Ransom, 2010 ME 22, ¶ 2, 990 A.2d 535, 535

Although the child did not live in Maine long enough to establish statutory home-state status, because the Hawaii court ceded authority to Maine, and the record supports the conclusions that mother and child came to Maine to escape domestic violence and that the mother's relatives in Maine provide significant contacts with Maine, the Maine court could properly exercise jurisdiction. Accordingly, we affirm the judgment. ... Although the courts acknowledged that Hawaii is the child's home state, as defined by 19–A M.R.S. § 1732(7), both courts agreed, and the Maine court found, that Maine is the more appropriate forum. Consequently, the Hawaii court declined to exercise its jurisdiction as the child's home state, and dismissed Ransom's pending action.

In reaching its decision to exercise jurisdiction, the Maine court found that the child has significant contacts in Maine and that there is substantial evidence in Maine regarding the child's present and future care, protection, training, and personal relationships. In addition, the court found that domestic abuse had occurred in Hawaii, and found that there was

justification for Rainbow to leave that state and seek a protection from abuse order in Maine. ... Evidence of those elements included the residence of Rainbow's mother and other relatives in Maine, their support for Rainbow and the child, and their continued interest in the child's well-being. Finding that each additional element was satisfied, the court concluded that jurisdiction was proper. Consequently, the Maine court complied with the specific provisions of the UCCJEA, and did not err by exercising jurisdiction and entering the parental rights and responsibilities order.

Texas - In Interest of T.B., 497 S.W.3d 640, 648 (Tex. App. 2016)

Applying the inconvenient-forum factors, Mother and the children have resided in Tarrant County, Texas, since May 2012; thus, they had resided outside the home state of Florida for over three years at the time the trial court modified the Florida order. ... The distance between Texas and Florida is over 1,000 miles—requiring lengthy travel by both Mother and the children to pursue and to present testimony in a SAPCR in Florida. ... The children attend elementary school in Tarrant County. ... Conversely, the children resided in Tarrant County with Mother approximately 323 days in 2013, 311 days in 2014, and 302 days in 2015.

...

Thus, application of the statutory factors in to establish that Florida is an inconvenient forum for Mother's SAPCR and that Texas is a more convenient forum than Florida; the only factor supporting continuing jurisdiction in Florida is the parties' agreement. This single factor is not, however, conclusive and is considered along with the other listed nonexclusive factors, which show that Florida is an inconvenient forum and that Texas is a more convenient forum. See Hart, 242 S.W.3d at 110 ("The statute does not make a jurisdictional agreement binding upon the court or irrevocable by the parties"). Thus, the nonexclusive statutory factors support the conclusion that the home state of Florida is an inconvenient forum for Mother's SAPCR and that Texas is a more appropriate forum. See, e.g., In re Isquierdo, 426 S.W.3d 128, 135 (Tex.App.–Houston [1st Dist.] 2012, orig. proceeding) (explaining that mere fact father continued to reside in UCCJEA "home state" of Texas where initial child-custody decision had been made did not support Texas's exercise of exclusive, continuing jurisdiction over mother's modification proceeding when children had lived in North Carolina for past five years).

Louisiana - Wootton v. Wootton, 49,001 (La. App. 2 Cir. 5/14/14), 138 So. 3d 1253, 1254

The family was living in Caddo Parish when the parents separated in early November 2008, at which time the mother and the children moved to Mississippi. In fact, in the petition for divorce and determination of incidental

matters filed by the father in Caddo Parish on November 24, 2008, he alleged that the mother was a Mississippi resident. ...

[T]he record indicates that Louisiana would be an inconvenient forum under La. R.S. 13:1819 due to the length of time the children have resided outside the state and the nature and location of the evidence required to resolve the pending litigation, i.e., testimony pertaining to the children's education, health and social activities. ...

In particular, we note that the case of Tabuchi v. Lingo, supra, is remarkably similar to the matter before us. Although it was decided under the UCCJA, the rationale in that case is the same. There the mother moved to Missouri in 1984 with her son and daughter after she was awarded sole custody by a Louisiana court. ... In 1990, the father sought to obtain custody of the son after the child came to Louisiana for summer vacation. The trial court denied the mother's exceptions of lack of jurisdiction and inconvenient forum and awarded primary custody of the boy to the father. This court reversed, finding that since the children had continuously lived with their mother in Missouri for six years, home state jurisdiction clearly vested in the Missouri court system long before the modification action was brought. Missouri was also the state with the most significant connection to the child and the maximum evidence concerning his present or future care, protection, training and personal relationships. ...

The exception of forum non conveniens has merit. The mother has always been the primary caretaker. ... All pertinent evidence pertaining to the children and their current situation is in Mississippi. The only evidence in Ouachita Parish pertains to visitation periods since the father moved there in July 2011. There is no compelling reason to make the mother and children come to Louisiana for a custody proceeding. ...

The father ... contends that Louisiana has never lost jurisdiction under the UCCJEA because he remains in the state. ...

There is no doubt that Mississippi is the home state of the Wootton children, as defined in La. R.S. 13:1802(7)(a), and that it has been for several years. [When the divorce proceedings were instituted on November 24, 2008, Louisiana would have been considered the home state at that time because the children had been in Mississippi for less than a month and Caddo Parish was the last matrimonial domicile.] Therefore, jurisdiction in a court of Louisiana in general—and Ouachita Parish in particular—for the father's instant motion to modify custody would be permissible under the UCCJEA only if allowed by La. R.S. 13:1813 and 13:1814. Our review reveals that it is not....

[T]he record indicates that Louisiana would be an inconvenient forum under La. R.S. 13:1819 due to the length of time the children have resided outside the state and the nature and location of the evidence required to resolve the pending litigation, i.e., testimony pertaining to the children's education, health and social activities. ...

The father's additional argument that Louisiana should have permanent jurisdiction over all future child custody disputes because the November 2009 consent judgment contained a provision to that effect is without merit. ... We find that the district court properly sustained the mother's exception asserting a lack of jurisdiction under the UCCJEA in the instant custody matter.

Full Faith and Credit

Finstuen v. Crutcher, 496 F.3d 1139, 1156 (10th Cir. 2007)

We hold today that final adoption orders and decrees are judgments that are entitled to recognition by all other states under the Full Faith and Credit Clause. Therefore, Oklahoma's adoption amendment is unconstitutional in its refusal to recognize final adoption orders of other states that permit adoption by same-sex couples. Because we affirm the district court on this basis, we do not reach the issues of whether the adoption amendment infringes on the Due Process or Equal Protection Clauses. ... We REVERSE the district court's order in this matter to the extent it held that the Magro–Finstuen plaintiffs had standing and directed OSDH to issue new birth certificates for the Magro–Finstuen plaintiffs. The order and judgment of the district court in all other respects is AFFIRMED.

Split with the Honorable U.S. Supreme Court

The lower courts were incorrect by either ignoring or improperly applying rulings the Honorable U.S. Supreme Court. This court has held the following.

Due Process

Pennoyer v. Neff, 95 U. S. 714, 24 L. ed. 565

Process from the tribunals of one state cannot run into another state, and summon parties there domiciled to leave its territory and respond to proceedings against them. Publication of process or notice within the state where the tribunal sits cannot create any greater obligation upon the nonresident to appear. Process sent to him out of the state and process

published within it are equally unavailing in proceedings to establish his personal liability.

Carey v. Piphus, 435 U.S. 247, 247–48, 98 S. Ct. 1042, 1044, 55 L. Ed. 2d 252 (1978)

Because the right to procedural due process is "absolute" in the sense that it does not depend upon the merits of a claimant's substantive assertions, and because of the importance to organized society that procedural due process be observed, the denial of procedural due process should be actionable for nominal damages without proof of actual injury, ...

Mullane v. Central Hanover Bank & Tr. Co., 339 U.S. 306, at 313, 70 S.Ct. 652, at 656, 94 L.Ed. 865

Many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case.'.

Armstrong v. Manzo, 380 U.S. 545, 550, 85 S. Ct. 1187, 1190–91, 14 L. Ed. 2d 62 (1965)

But as to the basic requirement of notice itself there can be no doubt, where, as here, the result of the judicial proceeding was permanently to deprive a legitimate parent of all that parenthood implies. Cf. May v. Anderson, 345 U.S. 528, 533, 73 S.Ct. 840, 843, 97 L.Ed. 1221.

Home State

May v. Anderson, 345 U.S. 528, 533–34, 73 S. Ct. 840, 843, 97 L. Ed. 1221 (1953)

In Estin v. Estin, supra, and Kreiger v. Kreiger, supra, this Court upheld the validity of a Nevada divorce obtained ex parte by a husband, resident in Nevada, insofar as it dissolved the bonds of matrimony. At the same time, we held Nevada powerless to cut off, in that proceeding, a spouse's right to financial support under the prior decree of another state. In the instant case, we recognize that a mother's right to custody of her children is a personal right entitled to at least as much protection as her right to alimony.

The Questions Presented Are of Fundamental Importance

If allowed to stand the lower court's ruling could negatively impact thousands or possibly millions of Americans. The lower court's decision is incorrect and will have significant consequences in future cases.

The California courts found the Respondent to be an abuser after nine months of aggressive motions, depositions, arguments, appeals and a three-day hearing was conducted in California as a result of Judge Brenner and Judge Adams agreeing California was the best forum and jurisdiction was in California. An order of protection for the Petitioner and all children was issued which included temporary full legal and physical custody to the mother; a non-removal order; severely restricted professionally supervised visitation in CA only; no child forced into visitation; supervised phone visitation when children choose and attorney fees of $37,587. On August 27, 2018, the respondent was found guilty of contempt of court for not paying any of the required fees. The NJ trial judge erred by withdrawing full faith and credit from protections under the California orders. "On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men." The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. If protection orders no longer receive full faith and credit, thousands or more victims could be in physical danger or could even lose their lives. Again, this could impact many more by people forum and verdict shopping if the lower court ruling is allowed to become precedent.

If the lower court's decision stands precedent would be set for anyone involved in a divorce proceeding in New Jersey being subject to a denial of their due process rights of service of the complaint, simply by the opposition failing to even

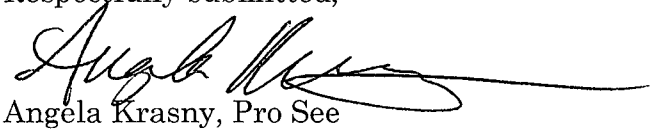
attempt service. This would deny their rights to defend themselves against the accusations made against them resulting in an unfair hearing. With a divorce rate of about 1.4% and population of about 8.94 million, each year 124,266 people could potentially be impacted of denied process service as protected by law.

Additionally, as argued above, allowing the lower court ruling to stand could allow precedent allowing concurrent jurisdiction resulting in forum shopping which could impact thousands of cases beyond the UCCJEA and/or concurrent hearings on the same matters resulting in conflicting decisions allowing for an environment of citizens not being able to place their trust in the judicial system.

CONCLUSION

For the reasons set forth above, a Writ of Certiorari should be granted.

Respectfully submitted,



Angela Krasny, Pro See
Mailing Address:
% Center of Peace
P.O. 36367
Denver, CO
Phone#

DATE July 29, 2019