No. 22-5652

ORIGINAL

In the Supreme Court of the United States

STATE EX REL. C.S.,

Respondent,

–v.–

G.T.,

Petitioner.

On a Petition for a Writ of Certiorari to the Tenth District Court of Appeals of Ohio

PETITION FOR A WRIT OF CERTIORARI

G.T.
[Contact Information]

Pro Se

QUESTIONS PRESENTED

During August 1996, Congress enacted legislation that intentionally inserted the model state law of the Uniform Interstate Family Support Act into Title IV, Part D, of the Social Security Act as a requirement for passage by each state participating in the federally funded state–federal cooperative system of child support services. Less than a year later, in *Blessing* v. *Freestone*, 520 U.S. 329, 345 (1997) the Court decided "We do not foreclose the possibility that some provisions of Title IV–D give rise to individual rights." The questions presented herein are as follows:

Does the construction of Title IV–D of the Social Security Act allow raising "any matters" after the registration of a support order has confirmation under the Uniform Interstate Family Support Act.

Whether the trial court lost jurisdiction to enter judgment after one year of no perfection of service of process under state absolute verity rules and jurisdictional principles ascribed to the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the state appellate court whose judgment is the subject of this petition is as follows:

Susan Brown, in her official capacity as Director, Franklin County Child Support Enforcement Agency.

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Hawley v. *Murphy*, 1999 ME 127, 736 A.2d 268 (1999)

Hicks v. *United States*, 137 S. Ct. 2000 (2017)

Kenck v. *Montana*, 373 Mont. 168 (Mont. 2013)

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Smith v. *Hall*, 2005 ND 215, 707 N.W.2d 247 (2005)

State et al. v. *Thompson*, 339 Ark. 417, 6 S.W.3d 82 (1999)

State of Oregon DCS ex rel. State of Alaska v. *Anderson*, 189 Or. App. 162, 74 P.3d 1149 (Or. App. 2003)

State ex rel. Des v. *Pandola*, 243 Ariz. 418, 408 P.3d 1254 (2018)

State v. *Lavallie*, 2015 ND 74, 861 N.W.2d 168 (N.D. 2015)

State v. *Morgan*, 153 Ohio St.3d 196, 2017–Ohio–7565, 103 N.E.3d 784 (2017)

Stidham v. *Whelchel*, 698 N.E.2d 1152 (1998)

Support Enforcement Services v. *Beasley*, 801 So.2d 515, 518 (La. App. 2001)

United States v. *Bigford*, 365 F.3d 859 (CA10 2004)

United States v. *Kramer*, 225 F.3d 847 (CA7 2000)

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CONSTITUTION, STATUTES, AND RULES:

U.S. Const. Article VI, cl. 2
(Supremacy Clause) . . .

U.S. Const., Amdt. 14, § 1
(Due Process Clause) . . .

Full Faith and Credit of Child Support Orders Act, 28 U.S.C. § 1738B . . . .
Social Security Act, 42 U.S.C. § 654(20)(A) . . . . . .
Social Security Act, Title IV–D, 42 U.S.C. § 666 et seq.:
42 U.S.C. § 666(a)
42 U.S.C. § 666(a)(7)(A–B) . . .
42 U.S.C. § 666(a)(7)(B) . . . . . .
42 U.S.C. § 666(a)(7)(B)(i) . . . . . .
42 U.S.C. § 666(a)(9) . . . .
42 U.S.C. § 666(f) . . . . . .

New Jersey Child Support Improvement Act, N.J. Stat. Ann. § 2A:17–56.7a et seq.:
N.J. Stat. Ann. § 2A:17–56.21 . . . . . .
N.J. Stat. Ann. § 2A:17–56.21(d) . . . . . .

Ohio Revised Code
Ohio R.C. 3115.603 . . . . . .
Ohio R.C. 3115.608 . . . . . .

Rules of Civil Procedure
Oh. Ct. Rule 3(A) . . . . . .
Oh. Ct. Rule 4.1(A)(1)(a) . . . . . .
Oh. Ct. Rule 4.1(C) . . . . . .
Oh. Ct. Rule 7(B)(1) . . . . . .
Oh. Ct. Rule 12 . . . . . .

* * * * *

Other Authorities:

Dept. of Health and Human Services, Office of Child Support Enforcement, FY 2021 Child Support Enforcement Preliminary Report to Congress (May 2021) . . . . . .

Hearings on S. 3160 before the Committee on Governmental Affairs, 96th Cong., 2nd Sess., (November 19 and 20, 1980) . . . . . .

Hearing before the Subcommittee on Social Security and Family Policy of the Committee on Finance, Welfare: Reform or Replacement? Short-term v. Long-term Dependency, Senate, One Hundredth Congress, 1st Sess., (March 2, 1987) . . . .

Hearing before the Subcommittee on Human Resources of the Committee on Ways and Means, Oversight of the Child Support Enforcement Program, House of Representatives, One Hundred Sixth Congress, Serial 106-31, (September 23, 1999) . . . . . .

H.R. Conf. Rep. No. 98–925, accompanying H.R. 5325, pp. 30, 38–39 (August 1, 1984); S.B. 1708 (July 25, 1983) . . . . . .

Senate Hearing 98–498 (September 16, 1983) . . . . . .

H.R. Conf. Rep. No. 104–430, accompanying H.R. 4, p. 415 (December 20, 1995) . . . . . .

Margaret Campbell Haynes and Susan Friedman Paikin, "'Reconciling' FFCCSOA and UIFSA," 49 Fam. L.Q. 331 (Summer 2015) . . . . . .

Kurtis A. Kemper, "Construction and Application of Uniform Interstate Family Support Act," 90 A.L.R. 5th 1 (2001) . . . . . .

Carmen Solomon–Fears, The Child Support Enforcement Program: A Legislative History, Congressional Research Service, March 21, 2016 . . . . . .

No. 22 – _____

In the Supreme Court of the United States

STATE EX REL. C.S.,
Respondent,

–v.–

G.T.,
Petitioner.

On a Petition for a Writ of Certiorari to the Tenth District Court of Appeals of Ohio

Petitioner respectfully prays that a writ of certiorari may issue to review the judgment below by the supreme court of Ohio and an appellate court of Ohio.

OPINIONS BELOW

The entry to decline to accept jurisdiction of the appeal for review by the supreme court of Ohio (App. *infra*, 1a) is reported at 165 Ohio St.3d 1456, 2021–Ohio–4033, 176 N.E.3d 759. The decision to deny the appeal by the appellate court, tenth district, of Ohio (App. *infra*, 2a–13a) is not reported.

JURISDICTION

An order to deny reconsideration of the decision to decline jurisdiction to accept the appeal for review by the state highest court of Ohio, as signed by the same's chief justice, was posted and filed by the same's clerk, pursuant to 'Rules of Practice of the Supreme Court of Ohio,' S.Ct.Prac.R. 18.01, February 1, 2022 (App., *infra*, 1a). The highest state court and appellate state court remained neutral regarding the constitutional and federal law claims; however, the appellate state court did mention the Petitioner's constitutional and federal law–related claims. (App., *infra*, 3a–14a). The jurisdiction of this Honorable Court is conferred by 28 U.S.C. § 1257 and Article III, § 2, of the Constitution of the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Supremacy Clause, Article IV, cl. 2, provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; * * * shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, * * *." The Takings Clause of Amdt. 5 provides "nor shall private property be taken for public use, without just compensation". The Due Process and Equal Protection Clauses of the Fourteenth Amendment, U.S. Const. Amdt. 14 § 1, provides that "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." The Enforcement Clause of the Fourteenth Amendment, U.S. Const. Amdt. 14 § 5, states that "[t]he Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

These state statutes of Ohio are in the appendix: Ohio Revised Code 3115.603 and Ohio Revised Code 3115.608. (App., infra, 15a–16a). These New Jersey Statutes are in the appendix: N.J. Stat. Ann. § 2A:17–56.21 and N.J. Stat. Ann. § 2A:17–56.21(d). (App., infra, 17a). As follows, the Ohio Rules of Civil Procedure are reproduced in the appendix: Ohio Civil Court Rule 3(A), Ohio Civil Court Rule 4.1(A)(1)(a), and Ohio Civil Court Rule 4.1(C). (App., infra, 18a–20a).

STATEMENT OF THE CASE

A. Presentation and Pressing Below of the Federal Question

1. Proceedings with the Juvenile Branch

The civil plain error of defective service of process was raised at the initial and final UIFSA registration hearings, June 2017 and October 2017, respectively. The defective service was civil plain error under Ohio law for the reason that (a) the service of process deviated from both the UIFSA statutory requirements for registering the order as well as the Ohio Rules of Civil Procedure; (b) the error was obvious in multiple ways from the placement of the bare documents by the process server on the ground in front of the door of Petitioner's residence, along with fraudulent statement by the process server in the return of personal service of delivery of personal service to the Petitioner that never occurred, to placement by the postal carrier of certified mail into the mailbox of the Petitioner without signature by Petitioner, along with a return receipt of certified mail indicating no signature (App., *infra*, 7a–8a); and (c) the unforced difficulty by the county child support enforcement agency to attain perfection of service of such a simple set of documents, coupled with the disregard by the magistrate in the Juvenile Branch for failure of service, significantly undermined confidence in the judicial proceedings as well as trust in the judiciary. See *State* v. *Morgan*, 153 Ohio St.3d 196, 204–205, 2017–Ohio–7565, ¶¶ 38–41, 103 N.E.3d 784, 792–793 (2017).

At the final UIFSA registration hearing, October 2017, the Petitioner, G.T., raised the matter of statutory due process under the respective provision of Title IV–D of the Social Security Act, as codified at 42 U.S.C. 666(a)(7), which states in relevant part, "[Safeguards.—Procedures ensuring that * * * information with respect to a noncustodial parent is reported—] only after such parent has been afforded all due process required under State law, including notice and a reasonable opportunity to contest the accuracy of such information." 42 U.S.C. 666(a)(7)(B)(i). With this same matter, the Petitioner discussed the New Jersey Law Revision Commission's "Final Report Relating to Retroactive Child Support Orders," about relief under New Jersey's corresponding statute, N.J.S.A. 2A:17–56.21, which states in relevant part, "Information with respect to a delinquent obligor shall be reported to credit reporting agencies only after the obligor has been afforded all procedural due process required under State law including notice and a reasonable opportunity to contest the accuracy of the information." N.J.S.A. 2A:17–56.21(d).

In the same final UIFSA registration hearing, October 2017, the Petitioner submitted evidence of the plain error, the New Jersey Law Review Commission's "Final Report Relating to Retroactive Child Support Orders," as well as a letter about the failure of service to the Director of the Franklin County Child Support Enforcement Agency, which were denoted for the record by the magistrate. (R., 145 10/31/2017 Tr. at 3, 34–38).

2. Proceedings with the Trial Court in the Domestic Relations Division

Nearly two years, later, with the trial court of common pleas, in June 2019, the Petitioner raised the matter of construction of the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738B, with regard to comity by the trial court in Ohio to the appellate proceedings by Petitioner with the Superior Court of New Jersey. (App., *infra*, 7a).

3. Proceedings with the Intermediate State Appellate Court

With the Tenth District Court of Appeals of Ohio, the Petitioner pressed the matter of defective service of process with an assignment of error stating that one of the cumulative errors by the trial court, that infringed upon substantial rights and deprived the Petitioner of a fundamentally fair trial, was the error of lack of personal jurisdiction. (App., *infra*, 7a). The assignments of error as presented, with correct grammar, in the Petitioner's state court appellant's brief are as follows. These same assignments of error are displayed in the decision rendered by the Tenth District Court of Appeals, with the phrase "*Sic passim,*" as an indication by the state appellate court that both the federal constitutional and statutory questions were properly pleaded and pressed by the Petitioner.

> I. The trial court committed an unconstitutional taking from the child as well as an unconstitutional infringement upon the fundamental rights of the child and noncustodial parent, R., 1 at pp. 11, 15, with the imposition of the suspended civil sentence, R. 131, 132, 144; 10/24/2019 Tr. at 4, 9, and 12.
>
> II. The trial court erred as a matter of law in applying the wrong standard for the burden of proof when the non–movant had by preponderance of the evidence substantially complied with the civil purge conditions, R., 144; 10/27/2019 Tr. at 4–9.

III. Cumulative error by the trial court infringed upon substantial rights and deprived the Defendant of a fundamentally fair trial, from the following errors: disability under the Americans with Disabilities Act, 42 U.S.C. 12132 et seq., R., 140 07/25/2019 Tr. at 15–17; R., 142 08/22/2019 2, 5–9; R., 143 09/26/2019 Tr. at 5; erroneous adverse inference R., 140 07/25/2019 Tr. 11–12; R., 142 08/22/2019 Tr. at 15–16; denial of full faith and credit of appellate proceedings, R., 139, 06/27/2019 Tr. at 3, 5; lack of personal jurisdiction, R., 20; R., 138 06/06/2017 Tr. at 2–3; R., 145 10/31/2017 Tr. at 5, 13, 16, 17, 19; and improper vacating of a valid order, R., 122–124; R., 144 10/24/2019 Tr. at 8.

4. Pleadings to the State Highest Court

For the discretionary appeal to the Supreme Court of Ohio, both the Petitioner's memorandum of jurisdiction, filed September 2021, and the subsequent motion for reconsideration and for production of a certificate of the existence of a federal question, filed December 2021, pressed the matter of whether relief was available after confirmation of the registered child support order. Specifically, at pages five and eight of the aforementioned memorandum of jurisdiction, Petitioner presented the following Propositions of Law for consideration by the Supreme Court of Ohio of the discretionary appeal.

Proposition of Law No. I:
Do the collateral effects from the imposition of a suspended civil sentence constitute an uncompensated taking from the child violative of the Takings Clause of the Fifth Amendment to the Constitution of the United States as well as an unconstitutional infringement upon the fundamental associational rights, of the child and parent, protected by the Due Process Clauses of the Constitutions of Ohio and the United States.

> Proposition of Law No. II:
> Whether UIFSA statutes are an absolute bar to post–confirmation challenges to the registered child support order as well as subsequent judgments based upon the same registered order.

Subsequently, within the motion statement section, of the aforementioned motion for reconsideration and for production of a certificate of the existence of a federal question, timely filed in December 2021, the Petitioner pressed the following matters to the Supreme Court of Ohio.

> I. As applicable to the State of Ohio under the Enforcement Clause of the Fourteenth Amendment to the United States Constitution as well as consistent with the controlling cases of *Blessing* v. *Freestone*, 520 U.S. 329 (1997), and *Gonzaga* v. *Doe*, 536 U.S. 273 (2002), statutory due process pursuant to Title IV–Part D of the Social Security Act – as codified, in relevant part, at 42 U.S.C. 666(a)(7) – requires the state courts of Ohio to afford all due process under state law for a noncustodial parent in a Title IV–D case;
>
> II. The decision of the Tenth District Court of Appeals is inconsistent with the Supreme Court of Ohio's state–wide effort to effectuate justice for individuals facing adverse enforcement action and ignores the relief that state courts in other states have granted to noncustodial parents, as in the case of *Kenck* v. *Montana*, 373 Mont. 168 (Mont. 2013);

B. The Statutory History

1. Amending Title IV of the Social Security Act

Title IV of the Social Security Act was amended with Part D upon the passage in November 1974 of the Social Services Amendments of 1974, Pub. L. 93–647, signed into law by President Gerald R. Ford, January 4, 1975. Soon thereafter, Congress recognized in 1980 the potential for overzealousness in federal debt collection. Not mentioned in the Congressional Research Services excellent and extensive legislative

history of federal child support enforcement, as previously compiled over the decades by the now retired Carmen Solomon–Fears, is how the legislative process culminating in the Child Support Amendments Act of 1984 was coterminous with the Debt Collection Act of 1982, which permitted the federal government and the states to adopt and deploy practices used by private sector debt collectors. When read *in pari materia*, along with an understanding of the history of the Congressional intent for the Child Support Enforcement Amendments of 1984, Pub. L. 98–378, there are safeguards under Title IV–D of the Social Security Act against noble cause overzealousness by government collection activities in child support enforcement action. In the legislative process of 1980 that resulted in the Debt Collection Act of 1982, members of the United States Senate contemplated with Executive Branch officials safeguards against adverse government action. See Hearings on S. 3160 before the Committee on Governmental Affairs, 96th Cong., 2nd Sess., p. 12 (November 19 and 20, 1980).

> SENATOR WILLIAM COHEN of Maine: I was wondering as we make these modifications, would you recommend that we also build in certain safeguards to be sure we don't become overzealous in our collection activities to the point where we defeat the very purpose of it?
>
> ELMER STAATS, Comptroller of the United States: I would agree. I guess what we are trying to address ourselves to here is we ought to remove the legal impediments to using some of the means that are at our disposal. The question of safeguards is partly an administrative question. But it also may be a question of legal safeguards written into the statute.
>
> Senator WILLIAM COHEN of Maine: I think that is the reason why the motion to allow for the withholding of income tax refunds from individuals who had defaulted student loans failed.

During the legislative process resulting in the Child Support Amendments Act of 1984, Senator Charles Grassley of Iowa had introduced Senate Bill 1708, which proposed reporting arrears to credit agencies. See H.R. Conf. Rep. No. 98–925, accompanying H.R. 5325, pp. 30, 38–39 (August 1, 1984); S.B. 1708 (July 25, 1983). There were even discussions of student loan debt collection with collection child support arrears. See Senate Hearing 98–498, pp. 28, 51, 54 (September 16, 1983). From this legislative process, November 1980 through August 1984, provisions for safeguards under Title IV–D of the Social Security Act were included in the Child Support Amendments Act of 1984.

2. Amending Title IV of the Social Security Act with Interstate Uniformity

Shortly thereafter these statutory amendments to Title IV–D of the Social Security Act, there were hearings that resulted in further statutory amendments called the Family Support Act of 1988, again, incidentally in a federal election year. As part of that legislative process, there was an emphasis upon rectifying the disparate support enforcement approaches across various states. There were claims that some parents while visiting their children in another state were 'ambushed' with litigation. There were also claims that some noncustodial parents moved away to certain other states as a way of 'forum shopping' to attain an advantage in domestic relations litigation.

REASONS FOR GRANTING THE WRIT

Fine tuning is the overall reason. The interstate uniform system of jurisprudence under UIFSA has developed from the way the different levels of sister state appellate courts, whether intermediate or highest, have influenced each other. From a historical perspective, there is breathtaking wonderment at a self–regulating system across states emerging from a uniform set of rules crafted *via* the national legislative process of a heterogenous democratic republic. The judiciary of the respective jurisdictions in these states trust the jurisprudence of each other under UIFSA to the extent that they forthrightly adopt the reasoning of their sister judiciaries to address novel issues. Yet, the drafters of UIFSA could not have foreseen all the possible varieties of human experience among families in the Twenty–First Century.

I. The Decision Below Exemplifies the Non–Uniformity among State Courts, as well as a Split by State Courts Against the Conclusion Reached by the Second, Seventh, and Tenth Circuits, as to the Statutory Construction of Relief under UIFSA

A. Split among State Courts

Upon their interpretation of the phrase "precludes further contest of the order with respect to any matter that could have been asserted at the time of registration," state highest courts, along with state intermediate appellate courts, have issued disparate decisions regarding relief after confirmation of a registered support order. The 'remedy courts,' *infra*, consisting of the respective supreme courts of Arizona,

Arkansas, Indiana, Kansas, Maine, Mississippi, and Wyoming, grant relief. The 'statute of limitations' courts, infra, comprised of the supreme courts of North Dakota, Ohio, and South Dakota as well as the appellate of the District of Columbia, bar relief.

The distinguishing feature is that the 'remedy courts' leave open the possibility that the statutory time limitations, that invoke jurisdiction to the responding-forum, do not negate the availability of using court rules, state statutes, federal law, or the international conventions available for use by litigants in the either the responding-forum or issuing-rendering state whereas the 'statute of limitations' courts emphasize finality to whether the responding-forum has jurisdiction.

The issue that the uniform system sought to mitigate among litigants, ambushing and forum shopping, has reappeared among the choice of citations and grounds shopping by the Judiciary of the many respective jurisdictions of the many states. That has subsided. The concern now is the extent to which litigants, are deprived of process that is due by statutory procedural rules.

For the aforementioned state highest courts that grant relief after confirmation, some of the relief consisted of upward modification of arrears (Arizona), presentment of defenses (Arkansas), and correcting inadvertent omission of support order by simply appending an omitted order to the other registered documents (Kansas). For Arizona, in the case *State ex rel. Des v. Pandola*, 243 Ariz. 418, 408 P.3d 1254 (2018), their respective UIFSA confirmation statute, AUIFSA, does not bar

"any matters" after the twenty day time limit. In this case, the obligee–Mother sought an upward modification of arrears. The Supreme Court of Arizona asserted that federal law and the Constitution of the United States affirmed the construction of a postregistration challenge under Title IV–D of the Social Security Act, 42 U.S.C. § 666(a)(9), the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. § 1738B, and the Supremacy Clause, U.S. Const., Article IV, cl. 2.

B. Agreement among Federal Circuit Courts

An understanding has been reached among the federal circuit courts of appeal that Congress intended to afford appropriate relief from support enforcement action. According to the federal Second Circuit Court of Appeals, the closely related statutes of in the federal scheme of child support obligation enforcement "make clear that when Congress intended to allow collateral challenges to support orders based on jurisdictional issues, it knew how to do so." *United States* v. *Kerley*, 416 F.3d 176, 180 (CA7 2005). In referring to a sister Circuit, the Second Circuit further observed, in an immediate subsequent paragraph, that "The Seventh Circuit considered these related federal statutes and found that it 'makes no sense' that Congress would allow a defendant in a civil enforcement action to challenge the personal jurisdiction of the court that entered the enforcement order but not allow a criminal defendant to do the same." *Ibid.*, citing *United States* v. *Kramer*, 225 F.3d 847, 857 (CA7 2000). At the same page, the Second Circuit specifically mentions the federal Full Faith and credit

for Child Support Orders Act, 28 U.S.C. 1738B, and the federally mandated provision for UIFSA, 42 U.S.C. 666(f). *Ibid.*

II. When Read *in Pari Materia*, the Provisions of Relief Afforded under Title IV, Part D, of the Social Security Act Are Drawn into Question

As the legislative process ushered UIFSA into Title IV–D of the Social Security Act, the respective Conference Report for the Personal Responsibility and Work Opportunity Act included a Senate amendment regarding UIFSA stating, in pertinent part, "Similar to the House provision, except permits but does not require States to apply UIFSA to all interstate cases." See H.R. Conf. Rep. No. 104–430, accompanying H.R. 4, p. 415 (December 20, 1995). This same Conference Report continued stating, in relevant part, "The House recedes to the Senate, however, by allowing States flexibility in deciding which specific interstate cases are pursued by using UIFSA and which cases are pursued using other methods of interstate enforcement." Ibid., 416.

From *Blessing* v. *Freestone*, *supra*, the Supreme Court of the United States delineated three factors for determining whether a statutory provision affords a federal right: (1) "Congress must have intended that the provision in question benefit the plaintiff", *Ibid.*, 340; (2) "the plaintiff must demonstrate that the right assertedly protected by the statute is not so 'vague and amorphous' that its enforcement would strain judicial competence", *Ibid.*; and (3) "the provision giving rise to the asserted

right must be couched in mandatory, rather than precatory, terms." *Ibid.* In that case, the Supreme Court of the United States stated "We do not foreclose the possibility that some provisions of Title IV–D give rise to individual rights." From *Gonzaga* v. *Doe*, 536 U.S. 273 (2002), the Supreme Court of the United States held further additional factors for determining whether a statutory provision affords a federal right: (4) "For a statute to create such private rights, its text must be 'phrased in terms of the persons benefited'", *Ibid.*, 283; (5) "where a statute is phrased in such explicit rights-creating terms, a plaintiff suing under an implied right of action still must show that the statute manifests an intent 'to create not just a private right but also a private remedy'", *Ibid.*, 284; and (6) "an aggrieved individual lacked any federal review mechanism * * * ." *Ibid.*, 290.

As an example, the provisions of 42 U.S.C. § 666(a)(7) satisfies these factors. For the first and fourth prongs, Congress specified "noncustodial parent" twice. 42 U.S.C. § 666(a)(7)(A–B). For the second and fifth prongs, Congress in a plain statement used the phrase "such parent has been afforded all due process required under State law" in a way that is not ambiguous and clearly denotes a private remedy. 42 U.S.C. § 666(a)(7)(B)(i). For the third prong, Congress mandates the provision with the phrase "each State must have in effect laws requiring the use of the following procedures." 42 U.S.C. § 666(a). Also, for the third prong, Congress mandated "all due process required under State law." 42 U.S.C. § 666(a)(7)(B)(i). For the sixth prong, in Blessing, supra, the Supreme Court of the United States held that a parent may seek redress, such as under civil rights laws for the reason that the regulatory enforcement

scheme created by Congress for Title IV–D is limited and the oversight powers of the Secretary of the Department of Health and Human Services are not comprehensive enough to close door to private causes of action, *ergo*, under 42 U.S.C. § 1983.

When read *in pari materia* with 42 U.S. § 666(a)(7)(B), the requirements of UIFSA under 42 U.S.C. § 666(f) allow for relief from enforcement action. The clarification of the statutory interpretation of UIFSA under Title IV–D of the Social Security Act was used by a state appellate court in *State of Oregon DCS ex rel. State of Alaska* v. *Anderson*, 189 Or. App. 162, 74 P.3d 1149 (Or. App. 2003). There the matter was whether arrears from a support order established in Alaska were enforceable in Oregon when a similar support order had been established and the parent was current with all payments. The Oregon court reasoned that federal legislation gives insight to state laws Congress caused states to enact. *Ibid.*, 176–177.

III. Uniformity in the Application of UIFSA Is an Annually Recurrent Matter with National Importance

Among all the state and federal courts, there is a firm understanding that "The UIFSA is to be applied and construed to make the law uniform concerning family support among states that have enacted the uniform act." See *Support Enforcement Services* v. *Beasley*, 801 So.2d 515, 518 (La. App. 2001). The consistency of that uniformity is essential for the many hundreds of thousands of interstate cases sent and received by states. According to Table P–34 of the Dept. of Health and Human Services, Office of Child Support Enforcement, FY 2021 Child Support Enforcement

Preliminary Report to Congress (May 2021), the number of interstate cases sent to another state for the past five consecutive years, 2017 to 2021, were: 965,182 in 2017; 935,798 in 2018; 912,753 in 2019; 866,600 in 2020; and 833,188 in 2021. According to Table P–35, the number of interstate cases received from another state for the past five consecutive years, 2017 to 2021, were: 866,907 in 2017; 837,204 in 2018; 811,516 in 2019; 768,864 in 2020; and 738,021 in 2021.

The seemingly simple processing of these interstate cases is not a trivial matter according to state courts. The Supreme Court of Arizona stated "We granted review because Mother raises an issue of statewide importance, specifically, whether under AUIFSA a nonregistering obligee may contest a registering obligor's arrears statement if she fails to contest the statement within twenty days of receiving notice of the order's registration." See *State ex rel. Des* v. *Pandola, supra*, ¶ 5, 1255.

Although the facts of Petitioner's instant civil case are distinguishable from *Hicks* v. *United States*, 137 S. Ct. 2000 (2017), the matter of civil plain error begs reconsideration of whether the construction of UIFSA by the Tenth District Court of Appeals of Ohio is consistent with the construction of relief afforded under Title IV–D of the Social Security Act. By not expounding upon its understanding of the plain statement "Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration," Ohio Revised Code 3115.608, there is also the question of whether the decision by the Tenth District

Court of Appeals is inconsistent with the decisions by sister appellate courts to grant relief based upon matters that could not have been asserted at registration.

IV. This Case Is Deemed a Good Vehicle

By June 2022, the Petitioner's case attained the distinction as the Ohio appellate case that clarifies, with lessons learned, the interpretation of the UIFSA statutes as to registration and confirmation. (App., *infra*, 15–16). For instance, the "Notes to Decision" part under Ohio Revised Code Annotated 3115.608 states the "New Jersey registered child support order had been confirmed and the father was now precluded from further contest of the order; the father's argument asserting insufficient service of process and lack of personal jurisdiction was without merit." (App., *infra*, 16).

However, that same "Notes to Decisions" omitted the mention of available relief under the Ohio Rules of Civil Procedure or from the inherent power of the court. Such an exclusion has the problematic implication that other types of jurisdiction, *ergo*, subject–matter jurisdiction or jurisdiction over the case, are without contest and that subsequent judgments are neither void nor voidable. There are cases of defective service from which courts in Ohio, including the Tenth District Court of Appeals, have granted relief from judgment. If a state's exercise of due process in child support proceedings is unconstitutionally defective and injurious, there has to exist a mechanism to attain relief for the child and the parent. Federal circuit courts, *infra*, agree that relief from adverse enforcement does exist.

CONCLUSION

Wherefore the reasons presented herein, the Petitioner prayerfully requests this Honorable Court grant relief *via* writ of certiorari with summary disposition, remand for reconsideration, or reversal, under Rule 16.1.

Respectfully submitted.

September 12, 2022

G.T.

Pro Se