

Supreme Court, U.S.  
FILED

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No. 24-322

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**In the Supreme Court of the United States**

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Kristin Anne Bausch

PETITIONER

v.

Jacob Frost,

ET AL., RESPONDENTS

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*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT*

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**PETITION FOR A WRIT OF CERTIORARI**

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### **QUESTION PRESENTED**

The issue before this Court is whether the Seventh Circuit of the Western District of Wisconsin had subject matter jurisdiction over the case. The Plaintiff should be notified that a mandatory *Turner v. Rogers*, 564 U.S. 431 (2011) was not conducted.

Appellate was not given *Turner Rogers* hearing. Given the absence of a mandated *Turner* hearing, and whether this would be an infringement of the Appellant's due process rights and a legal reason for the court to take action?

Women are not a part of child support. Nothing in the federal statute discusses establishment of maternity for support. Appellate has brought forward this discovery within *Blessing v. Freestone* 520 U.S. 329 (1997).

The *Accardi Doctrine* requires government officials to follow agency regulations which has become an important rule of law even when it's not convenient. Unpublished agency guidelines are not considered binding rules under this doctrine, but guidelines that establish procedural and substantive restraints to protect individuals from arbitrary treatment by government officials should be covered. It's important to have a consistent application of these rules, especially in cases where individual rights are affected. See *United States ex rel. Accardi vs. Shaughnessy*, 347 U.S. 260 (1954).

## (I)

**PARTIES TO THE PROCEEDING**

Petitioner (plaintiff-appellant below) is Kristin Anne Bausch. Respondents (defendants-appellees below) are Jacob Frost in his official and individual capacity, Jason Hanson in his official and individual capacity, Emily Wilson in her official and individual capacity, Jane Jacobs in her official and individual capacity, Lisa Bina in her official and individual capacity, Nancy Haack in her official and individual capacity, Jennifer Cooke in her official and individual capacity, Criscilda Chairez in her official and individual capacity as State Actors and contractors of the Dane County Child Support Agency.

(II)  
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Kristin Bausch, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case.

**OPINIONS BELOW**

The decision by the Western District of Wisconsin dismissed the Appellate's first complaint against is reported with the index No. 23-cv-061 JDP as Appellate and pro per Kristin Bausch pro per June 26, 2023. In States actors as State of Wisconsin, Judge Jacob Frost, Jason Hanson, Emily Wilson, Jane Jacobs, Lisa Bina, Nancy Haack, Jennifer Cooke, and Criscilda Chairez are

severally, jointly and in their individual capacities as Judge, Directors, Clerk, and Child Support as State Actors Under to Color of State law. As reported in June 2023.

The decision of the Appeal for the Seventh Circuit dismissed the Appellant's is reported as Kristin Bausch, Appellant vs Jacob Frost et al. Index No. 23-2418 January 31, 2024. Failure to hold a requisite in *Turner v. Rogers*, and disregard for the requirement of subject matter jurisdiction have violated the Appellant's right to a fair hearing and have resulted in the loss of personal liberty. Accordingly, to the Rooker-Feldman doctrine theory, in the absence of a "final order," review judgments are unsupported by the facts of this case.

#### JURISDICTION

This writ is brought under 28 U.S.C. §1257(a) which provides the Supreme Court with jurisdiction over final judgments of state courts in cases involving federal law, including subject matter jurisdiction.

The present case involves questions of federal law regarding subject matter jurisdiction, including the impact of *Turner v. Rogers*, 564 U.S. 431 (2011) and the Rooker-Feldman doctrine. The decision by the Seventh Circuit Court, Western District Wisconsin dismissing the Appellates first complaint against Defendants is reported as Index No. 23-2418 as State of Wisconsin , Jacob Frost, Jason Hanson, Emily Wilson, Jane Jacobs, Lisa Bina, Nancy Haack, Jennifer Cooke, and Criscilda Chairez.

In their Severally, jointly and in their individual and personal capacities as Judge\Prosecutors as State

Actors Under the Color of State law. As reported on January 2024.

**CONSTITUTIONAL, STATUTORY, AND OTHER PROVISIONS  
INVOLVED**

United States Constitution First Amendment: Congress shall make no law Respecting an establishment of religion, or prohibiting the free exercise thereof; or Abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. United States Constitution Second Amendment: A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. United States Constitution Fifth Amendment: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. United States Constitution Sixth amendment: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have

compulsory process for, obtaining witnesses in his favor, and to have the assistance of counsel for his defense United States. Constitution Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. 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. *Turner v. Rogers*, 564 U.S. 431 (2011) was a decision decided by the United States Supreme Court in which the Court ruled that a defendant in a child support contempt action must be given appropriate notice and an opportunity to be heard before being imprisoned. The Court determined that, even if the defendant is represented by counsel, a civil contempt hearing that may result in jail requires that the defendant be given notice of the allegations and an opportunity to be heard. *Blessing v. Freestone* 520 U.S. 329, held the requirement that a state operate its child support program in “substantial compliance” with Title IV-D was not intended to benefit individual children and custodial parents, and therefore it does not constitute a federal right. Far from creating an individual entitlement to services, the standard is simply a yardstick for the Secretary to measure the system-wide performance of a State’s Title IV-D program. Thus, the Secretary must look to the aggregate services provided by the State, not to whether the needs of any particular person have been satisfied. Nothing in the federal statute

discusses establishment of maternity for support.

#### **STATEMENT OF THE FACTS**

Section 42 USC 1983 allows a litigant to bring a civil action against an individual who violates his constitutional rights while acting under the color of state law. Appellant Kristin Bausch, pro se, challenges the decision of the Judge, which was based on the District Court lacks subject-matter jurisdiction to hear the case. Appellate argues that the Judge was biased in the decision so to cover-up the fraudulent actions of the Appellant's with the Family Court.

On July 18, 2022, Judge Jacob Frost issued a temporary order initiating child support of Appellant, Kristin Bausch, to which she did not consent or contract to. Women are not obligated to participate in nor pay child support as it is not supported in statute. Ruling in *Blessing v. Freestone* 520 U.S. 329, holds requirement that a State operate its child support program in "substantial compliance" with Title IV-D was not intended to benefit individual children and custodial parents, and therefore does not constitute a federal right. No where in the federal statute discusses establishment of maternity for support. On January 30, 2023, Judge Jacob Frost issued a default findings of fact, conclusions of law, and judgment of divorce. No Turner hearing was held nor due process followed, even with several attempts of Appellant to obtain. On April 5, 2023, Judge Jacob Frost issued an order for contempt against Appellant without facts and finding. On April 26, 2023, Frost later issued findings and order for remedial contempt and again May 18, 2023, and July 20, 2023 without facts and finding. August 1, 2023, Frost then issued an injunction and bench warrant again without due process or Turner hearing having been held. On October 18, 2023, Oregon Police Department were instructed to warrant execution of bench warrant and remedial contempt, in which Bausch was unlawfully

arrested without a presented warrant. Upon unlawful imprisonment, Bausch was then served with certificate of service and injunction on October 24, 2023. On October 25, 2023, Frost issued order regarding bench warrant, payment schedule and quit claim on Bausch's real estate deed. On October 27, 2023, an order amending the previous order was signed by Frost. Judge Jacob Frost was responsible for Bausch's arrest, resulting in physical assault and injuries at encounter while Appellant was performing routine drop off of children, in which Bausch was taken to hospital for care, and further incarceration for two weeks before being released on an ankle bracelet for a ninety (90) day sentence. Bausch suffered loss of employment as a clinical quality improvement manager and nurse due to the actions of Frost, among many other financial, emotional, physical, and additional losses and suffering. Later, orders were denied for Bausch by Frost for petition for waiver of fees and costs on November 30, 2023 and December 4, 2023. On March 12, 2024, Judge Jacob Frost issued an order amending the judgment of divorce and also an abridgement of final judgment affecting title to real estate. On April 12, 2024, Frost then signed a Writ for the Dane County Sheriff to remove Bausch with reasonable force from her home. During the years 2022, 2023, and 2024, Bausch has challenged subject matter jurisdiction during several family court proceedings. Plaintiff has submitted several notices into court proceeding prior to proceedings that support jurisdictional challenges. Frost and other defendants repeatedly failed to acknowledge and establish the subject matter jurisdiction on the record in state court. The Plaintiff invoked her protected Constitutional rights to a Turner Roger trial by jury, and maintained her challenge to the subject matter jurisdiction. Despite Plaintiff's multiple submissions, filings, and pleadings, Appellant has not been given a Turner Roger Hearing. As

a result of the Appellees failing to take any action or acknowledge Appellant's subject matter jurisdiction challenges, Appellant has suffered several severe damages directly linked to the Appellees actions, retaliatory actions, and inactions. Furthermore, the Appellant has never received any judicial order or judgment signed by a judicial officer of the court. Family Court is governed by the policies and procedures of the Uniform Interstate Family Support Act (UIFSA) which is a foreign treaty that was adopted by the United States on or about 1996 Appellate was not informed that she was under the control of the Hague Convention - Appellate has the right not to enter into any treaty pursuant to the 10th Amendment to the United States Constitution. The functions and job descriptions of the staff of the Family Court are controlled by a federal contract that was approved by the Governor of the State of Wisconsin. See attachment. Upon information and belief, the Appellate is entitled to relief in the lower court based on the case law wherein as ability to pay is a threshold matter to incarceration. The guidelines must include requirements that the IV-D agency must screen the case for information regarding the noncustodial parent's ability to pay or otherwise comply with the order. See, the final rule, we amended 45 CFR§303.6(c)(4) in re Turner vs. Rogers, 564 U.S. 431 (2011). Appellant argued in the complaint that the violations of due process and others protected rights that has been inflicted upon her by so-called independent and foreign actors while these said actors convinced the public of a simulated and deceptive judicial process. Appellant's position is that the only appropriate level of strict scrutiny is that of constitutional review within the District Courts. The problem started with the federal contracts and the harsh and severe punishment that are detailed in the four walls of the contract. Being that the

provisional terms of this Title IV-D contract are unconstitutionally vague with respect to due process, then the Appellate seeks compensatory and monetary relief.

"The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for her injury. Officers of the court have no immunity, when violating a Constitutional right, from liability for they are deemed to know the law." See, *Owen vs. City of Independence*, 445 U.S. 622 (1980). "The purpose of the statute 42 USC §1983 was to deter public officials from using the badge of their authority to violate persons' constitutional rights and to provide compensation and other relief to victims of constitutional deprivations when that deterrence failed." See, *Carey vs Phipus*, 435 US 247, 253 (1978). To the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured. "The purpose of the statute 42 USC §1983 was to deter public officials from using the badge of their authority to violate persons' constitutional rights and to provide compensation and other relief to victims of constitutional deprivations when that deterrence failed." See, *Carey vs Phipus*, 435 US 247, 253 (1978).

#### **APPELLATE RESULT BELOW**

Even where the Appellant did not raise any jurisdictional issues, this court is obligated to raise such jurisdictional issues if it perceives ANY. See, *White vs. Nix*, 43 F.3d 374 (8th Circuit 1994) (quoting *Lewis vs. United States Farmers Home Admin.*, 992 F.2d 767, 771 (8th Circuit 1993)). On or about June 26, 2023, the District Court denied Appellant's complaint claiming Plaintiff lacked authority to invoke the enforcement of criminal statutes due to lacked authority. The district court also dismissed the Appellant's complaint under the Rooker Feldman

Doctrine, *J.B. v Woodard*, 997 F.3d 714, 722 (7th Cir. 2021), and the domestic-relations exception to federal jurisdiction, *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992).

On or about January 31, 2024, the United States Court of Appeals for the Seventh Circuit dismissed the Appellant complaint using *Sinochem Int'l Co. Ltd v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 431 (2007); *Ruhgas AG v. Marathon Oil Co.*, 526 U.S. 574, 584 (1999). Appellant has argued that *Rooker Feldman* does not apply because the state court has not issued a final order. The Federal court followed that the state-court case is ongoing and must lose on abstention grounds. *Woodard* holds the comity, equity, and federalism principles underlying the abstention doctrines requires federal courts to abstain from federal cases that would interfere with ongoing state-court domestic proceedings. 97 F.3d at 722, 724. Notably, the District Court did not acknowledge any references to the inclusion of foreign laws pursuant to the UIFSA and to the Title IV-D contracts that were signed in agreement with state officials as the highest level. The Eighth Circuit Court of Appeals has very recently cautioned that "subject matter jurisdiction should not be used to dismiss a case containing even a remotely plausible federal claim if the parties and the courts have already made [a] vast expenditure of resources." See, *Pioneer Hi-Bred*, 35 F.3d at 1242.

On or around March 1, 2024, Appellant submitted Motion to Recall Mandate and was refused by clerk for filing on

time. On or around March 21, 2024, Appellant resubmitted a second Motion to Recall Mandate and reminder that pro se complaints are held “to less stringent standards than formal pleadings drafted by lawyers. Furthermore, a Clerk cannot reject for defects of form. Rule 5(d)(4) explicitly provides that the clerk cannot refuse to accept papers solely because the form specified by the Federal Rules or that district’s local rules. The Advisory Committee’s note explains that, because a refused filing can cause a party to miss a deadline, it must be left to the judges—and not the clerks—to police the form of filings. In a seminal case, the Fifth Circuit held that it was error for the court clerk to reject a complaint for failure to comply with Rule 8(a)’s pleading requirements. Other defects or omissions held to be matters of form—such that the clerk may not reject the paper on that basis—are defects in the civil cover sheet, the failure to submit a hard copy of papers already properly filed electronically, filing by hardcopy in a clerk’s office drop box when electronic filing was required, the failure to submit a signed certificate of service, the absence of a signature, using the wrong size or type of paper, and the failure of a pro se prisoner to use a required form. The Seventh Circuit again denied the Appellant’s submission.

#### **REASONS FOR GRANTING THE PETITION**

Turner v. Rogers, 564 U.S. 431 (2011) refers to the legal authority for the Supreme Court of the United States to hear a case through a writ of certiorari. In the case of Turner v. Rogers, the subject matter jurisdiction is based

on the fact that the Western District of Wisconsin, Madison Division, had jurisdiction over the case as a state court of record. The issue before the Supreme Court in this case was whether the Rooker-Feldman doctrine applies in the absence of a "final order" being issued, and whether the light of the fact that a mandatory Turner hearing was never conducted by the lower state court. The United State Court of Appeals decided "the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED.R.APP.P.34(a)(2)(C)" despite Appellant due process was violated as there was never a Turner hearing conducted, and thus the Appellant is still being stripped of her protected constitutional rights. Additionally, Rule 52.(a)(1),(c) also applies in that when an action is tried on the facts without a jury or with advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Lastly, there is no federal statute discussing establishment of maternity for support and women are not a part of the child support program. *Blessing v. Freeston* 520 U.S. 329 (1997) held that the requirement that a State operate its child support program in "substantial compliance" with Title IV-D was not intended to benefit individual children and custodial parents, and therefore it does not constitute a federal right.

**ARGUMENT**

- 1) Does the Rooker-Feldman doctrine apply in the absence of a “final order” being issued from the lower State court?
- 2) How can the lower State court accept Due Process Error and proceed to violate the Plaintiff in court?
- 3) How can the case be dismissed while the Plaintiff’s protected Constitutional rights are in clear violation when she was never given a Turner hearing? Furthermore, Rule 52 was denied, in which the court must find the facts specially and state its conclusions of law separately.
- 4) If the lower Federal District court states they do not have subject matter jurisdiction over this matter, then how can the lower State court have subject matter in light of the fact they are not adhering to federal and state laws pursuant to “45 CFR§303.6(c)(4),” which they must do?
- 5) Since the Appellant has it on good authority from the Governor's office that the Dane County Child Support Agency is a Private organization, in light of the “Accardi Doctrine” how are their actions at the state level be seen as anything other than unconstitutional acts by the higher courts as they have no governmental powers or authority whatsoever?
- 6) Since the lower state court has not established subject matter jurisdiction or placed any orders on the record by an official judicial officer of the court, thus rendering no final orders, how can the Rooker-Feldman doctrine

apply to this case in light of their being Due Process Violations?

- 7) Since nothing in federal statute discusses establishment of maternity for support, how can the lower state court apply child support benefits upon the appellant without obeying the Blessing V. Freestone decision of [t]he requirement that a State operate its child support program in "substantial compliance" with Title IV-D, which was not intended to benefit individual children and custodial parents, and does not constitute a federal right?

The decision conflicts with the constitutional, statutory, and other provisions involved the impact of *Turner v. Rogers*, 564 U.S. 431 (2011) on subject matter jurisdiction is a question of federal law that requires this Court's review. The present case raises critical questions about the interplay between the Rooker-Feldman doctrine and the requirement of a mandatory Turner hearing in the context of subject matter jurisdiction. The resolution of these questions will have a significant impact on the administration of justice and the practice of law in the federal courts. Therefore, the undersigned counsel respectfully requests that this Court grant the petition for a writ of certiorari and provide guidance on the important issues presented in this case.

#### CONCLUSION

Wherefore the Appellate asks that the court grant her writ of certiorari and extraordinary writ of certiorari.

Respectfully submitted.