

No. 25-1368

In the Supreme Court of the United States

Surender Malhan,

Petitioner,

v.

Alina Myrovova,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a parent is entitled to a prompt evidentiary hearing when that parent is deprived of physical and legal custody of a child by the State in the context of a child custody proceeding when the factual basis for the deprivation is disputed?

PARTIES TO PROCEEDING AND RELATED CASES

In the court below the Family Court granted Plaintiff Alina's Myronova's motion to consolidate the family court case with some civil cases. In these cases Surender Malhan was Third Party Plaintiff against Alina Myronova's mother, Viktoriya Myronova and also consolidated with SpaceAge Consulting Corp. v. Viktoriya Myronova and Alina Myronova.

For purposes of this Petition, however, only the custody issue is part of the Petition, so the other parties listed below are not involved in this Petition.

A related case below was FV-09-002768-16, Hudson County Family Court, 2016. This was an application for a domestic violence restraining order brought by Alina Myronova during the divorce proceedings. A copy of the decision in this case is found in Appendix G at page 605a

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I. PETITION FOR A WRIT OF CERTIORARI

Surender Malhan, pro se, respectfully petitions for a writ of certiorari to review the judgment of the New Jersey Supreme Court and New Jersey Appellate Division in this case.

II. OPINIONS BELOW

The order of the New Jersey Supreme Court denying the petition for certification (App. 1a) is not officially reported.

The opinion of the New Jersey Appellate Division affirming the decision (App. 5a-132a) is not officially reported.

The rulings of the Superior Court of New Jersey, Family Division, Essex County, at issue in this case are not reported. (133a- et seq.)

III. JURISDICTION

The Order of the New Jersey Supreme Court denying the petition for certification was filed on March 16, 2026. (App. 1a). Although a motion for reconsideration was attempted it was rejected for filing. (App. 3a) The jurisdiction of this Court is invoked under 28 U.S.C. 1257.

IV. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States' Constitution guarantees no state shall deprive any person of life, liberty or property without due process of law.

STATEMENT OF THE CASE

A. Background

In February 2011, the family court suspended Petitioner Surender Malhan's custody indefinitely without a plenary hearing on the basis of contested allegations. Pet. App. 214a, 232a, 518a ff. This suspension of parental rights lasted sixteen months from February 2011 to late June 2012. Pet App. 236a, 566a ff.

More specifically, when Malhan's wife, Alina Myronova, after getting her Green Card, filed for divorce in February 2011, she filed an Order to Show Cause in which she requested and received sole physical and legal custody of the parties' two children. 518a.

Based on these contested assertions made by Myronova, Malhan underwent multiple psychological evaluations, including one by Leonie Johnson-Sena, M.D. and Dr. Jada Turco, M.D. and Dr. Lidia D. Abrams, Ph.D. All concluded the Malhan was psychologically healthy. Several years later, copies of each of these evaluations were provide to the Court on September 12, 2017—however they appear to have been ignored. Pet App. 675a.

In 2012 the Court stated that the allegations that had led to 16-month suspension of custody were unfounded:

THE COURT: From the beginning, I stopped Mr. Malhan from even having parenting time unsupervised. He's told me for a year and a half

that I should have 50 percent parenting time. I told her don't move. She moved. And she capitulated in giving him 50 percent parenting time....

And nothing changed on Mr. Malhan's behalf from January of 2010--maybe it was 2011, until now. Nothing changed for him. His life didn't change. His mental acuity didn't get any better or any worse. He's the same person who came in front of me January of 2011.

Pet App. 678a.

In 2016 Myronova brought another case against Malhan again seeking to strip Malhan of child custody in Hudson County alleging a variety of things including alleging that he "hacked" her email. 605a ff.

In ruling against Myronova, the Hudson County Court found that Myronova was not credible and had falsified evidence:

Even with a limited instruction, the Defendant established the following:
plaintiff altered and forged two checks totaling \$46,000; three timeshares were purchased by the parties while vacationing in Florida (one timeshare in Plaintiff's mother's name) just weeks before Plaintiff filed for divorce; Plaintiff raised the limits on a joint credit-card significantly the weeks leading up to the divorce and even after the filing for divorce without Defendant's consent. Plaintiff claims the limits were raised with Defendant's permission. However, the court does not accept her

testimony as true. Defendant also established that Plaintiff charged \$80,000 in credit card charges within a four-month period.

Pet App. 619-620a.

The Hudson County Court concluded:

Her entire testimony seemed rehearsed and quite frankly coached. For these reasons, the court is not persuaded by her testimony. In sum, Plaintiff has little credibility with this court.

Pet App. 634a.

In addition to the findings that Myronova has falsified evidence, committed crimes and was highly incredible, the Hudson County court had a chance to observe Malhan and Myronova over nine days of trial ("The formal hearing for the FRO was conducted over a series of nine days."). The Court concluded that

Malhan was highly protective of his children and acted to protect them:

Defendant is someone who is extremely concerned about the safety and wellbeing of his children.

Pet. App. 609a.

A copy of the above was also provided to Court September 12, 2017—these facts also were ignored. Pet App. 666.

In September 2017, the family court again suspended Malhan's custody indefinitely without a

plenary hearing on the basis of contested allegations.
Pet. App. 386a, 390. Myronova accused Malhan (inter alia) of threatening to eat a dirty napkin:

So my client discussed some incident that the children had talked to her about -- at one point he had threatened -- apparently he had threatened himself and stated that he was going to pick up a dirty napkin off the floor.

Pet App. 652a.

The "client" here was Alina Myronova who did not testify and did not even claim to have personal knowledge—in other words, there was not a single shred of admissible evidence presented against Malhan.

Malhan under oath unequivocally denied these absurd allegations:

Q Did -- did -- is there any truth to this allegation about you trying to eat a dirty napkin to kill yourself?

A Absolutely not, Your Honor. Absolutely not. ...

Q Okay, the other allegation they talk about is something with a knife. Was there ever any time where you took a knife and pretended to stab yourself?

A Absolutely not.

Pet App. 680a

The court asked a few questions of Malhan and gave opposing counsel an opportunity to cross examine Malhan but counsel declined to ask him any questions.

Pet App. 680a.

The court then stated it was going to call some from social services as a witness Jennifer Wisely, but Wisely refused to be sworn or testify:

MS. WISELY: -- not supposed to get on the record without an attorney present. However, I did make sure that my worker created a court report in case you guys called. So I would be able to fax that over right now for you.

THE COURT: Okay, and I'm going to look at that in-camera, okay. Is that how you prefer I proceed

with that or is it available for the parties?

MS. WISELY: No, it's just for you.

Pet App. 680a.

On the basis of this *ex parte* report, Malhan's physical and legal custody was suspended indefinitely.

As noted above, the family court admitted that is stripping Malhan of legal and physical custody indefinitely:

I'm in no position to discuss who's the party that's at fault or anything along those lines at this point. It's really not a relevant consideration for us on this emergent Order to Show Cause. I find that the relief sought is limited. It's temporary. It's only until the Court's able to make an assessment based on the report I got from the Division. I have to consider it and let the Division do what they do, as difficult as it is for the defendant because he has denied it, doesn't understand the basis of it. And, again, I wasn't there and so I rely on the Division, who

knows how to investigate these type of instances and they will do what they do and I'll give them 30 days[.]

Pet App. 690a (emphasis added).

As can clearly be seen from the above quote, the court made no finding that Malhan had done anything wrong—remarkably, the Court would not even reveal to Malhan all of the allegations. The allegations at issue were not only absurd on their face, and were not only contested but effectively refuted by Malhan—and yet none of this mattered, Malhan was deprived of his Constitutional right to custody of his children without due process.

Yet thirty days came and went—still no return of custody. Sixty days came and went—still no return of custody.

On November 3, 2017, Malhan filed an OTSC demanding that custody be returned. Pet App 707a. Malhan provided the Court with a report of an expert witness Dr. Abrams who opined that

“To the best of my ability to (indiscernible) situation, with 27 years of experience as a psychologist, Mr. Malhan poses absolutely no danger to his children, but the children are being turned against him while he is being denied access to them. It would be in the children’s best interest, as well as their father’s, that they return to normal unsupervised parenting time.”

Pet App. 712.

This is a routine procedure in divorce proceedings where fathers are removed—by the

State—from children's lives based on frivolous allegations that are not supported by evidence.

The Court refused to return custody saying the court was waiting to hear from child services. Pet App 714.

B. Procedural History

1. Trial Court

In the trial court, *inter alia*, Alina Myronova began the case by filing an Order to Show Cause ("OTSC") seeking custody of Malhan's two children in February 2011. Pet App. 518-555.

Malhan was able to get joint custody 16 months later. However, Myronova in September 2017 once again filed an OTSC accusing Malhan (*inter alia*) of threatening to eat a dirty napkin. Pet App. 704a

While Malhan's custody was theoretically restored on November 30, 2017, in fact this never happened and on December 18, 2017 custody was once again suspended on the basis of contested allegations and without a plenary hearing. Pet App 727a.

Malhan sought interlocutory review of his loss of custody from the New Jersey Appellate Division but his applications were denied. Pet App. 725-729.

2. Appellate Division

The Appellate Division upheld the legality of the family court suspending custody indefinitely on the basis of contested allegations holding (Slip Op. 64):

Defendant argues the court erred when it suspended his physical custody without a plenary hearing in 2011, and his legal and physical custody without a plenary hearing in 2017 and 2018. As a threshold matter, any pendente lite custody rulings here are moot because a final custody determination has been made. ...

Notwithstanding, our careful review reflects the court acted within its afforded discretion and relied upon credible evidence in its decisions to temporarily [sic] suspend defendant's custody and parenting time in the cited pendente lite orders. Although a plenary hearing is encouraged as part of a significant and disputed custody change, K.A.F. v. D.L.M., 437 N.J. Super. 123, 138 (App. Div. 2014), the suspensions here were emergent, intended to be Temporary[.]

Finally, the Supreme Court of New Jersey denied the petition for certification without commenting on the merits. 1a.

VI. REASONS FOR GRANTING THE PETITION

1. State Courts, such as New Jersey, routinely deprive parents of parental rights for months, years, or even permanently in summary proceedings where these parents are not afforded an opportunity to cross exam witness, present evidence are have any meaningful opportunity to contest the allegations.

A parent's liberty interest in the care, custody and control of his children has long been held to be a fundamental right. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). And yet States routinely deprive parents (usually fathers) of custody on the slimmest of allegations and without due process. The United States has world's highest rate of children living in single-parent households, at about 23% of all children. Stephanie Kramer, Pew Research Center, "U.S. has world's highest rate of children living in single-parent households," December 12, 2019.

One primary reason for the rise in fatherlessness is the family courts of the various states. Because child support is calculated based on the number of overnights, and because in these sorts of cases the father is also typically ordered to pay counsel fees—the system has an economic incentive to chase father out of the lives of their children.

Despite custody of children being a fundamental constitutional right, New Jersey and other states do not treat it as such—especially in the context of child custody disputes.

The Appellate Division upheld the legality of the family court suspending custody indefinitely on the basis of contested allegations, holding (Pet App. 70):

[A]ny pendente lite custody rulings here are moot because a final custody determination has been made. ...

Notwithstanding, our careful review reflects the court acted within its afforded discretion and relied upon credible evidence in its decisions to temporarily [sic] suspend defendant's custody

and parenting time in the cited pendente lite orders. Although a plenary hearing is encouraged as part of a significant and disputed custody change, *K.A.F. v. D.L.M.*, 437 N.J. Super. 123; 138 (App. Div. 2014), the suspensions here were emergent, intended to be Temporary[.]

Nothing in *K.A.F. v. D.L.M.*, 437 N.J. Super. 123, 138 (App. Div. 2014), supports this assertion. In *K.A.F.* the Appellate Division noted that “the Family Part judge found that the detailed certifications before him did not give rise to a genuine issue of fact, but the Appellate Division vacated and remanded for a plenary hearing. *Id.* Despite the lack of support the holding in this case is unambiguous: “a plenary hearing is [merely] encouraged as part of a significant and disputed custody change.” Emphasis added. In other words, there is no right to due process as part of “a significant and disputed custody change.”

A significant reason for this continuing violation of the Fourteenth Amendment is this Court decision in *Sacharow v. Sacharow*, 177 N.J. 62 (2003), which held that

If the State or a third party seeks to interfere with [parental] right, only the avoidance of harm to the child or “exceptional circumstances” will justify an intrusion. *Watkins*, *supra*, 163 N.J. at 237–38, 748 A.2d 558.

However, when, as here, both parents have a fundamental right to the care and nurturing of their children and neither has a preeminent

right over the other, their contest stands on different footing. It is not a third party or the State that seeks to intrude into the protected sphere of family autonomy. Rather, by submitting their dispute to the court, it is the parties themselves who essentially seek the impairment of each other's rights. In that circumstance, the State is thrust into the role of "mediator by necessity." ... Indeed, by seeking a divorce and invoking the jurisdiction of the Family Part, each party assented to the possibility that there will be some curtailment of what would otherwise be the ordinary rights concomitant to parenthood.

The holding of *Sacharow* is contrary to U.S. Supreme Court precedent in *Palmore v. Sidoti*, 466 U.S. 429 (1984). In *Palmore*, Florida family courts discriminated on the basis of race, and the Supreme Court held that this was a violation of the 14th Amendment. Needless to say, if in a custody dispute "it is the parties themselves who essentially seek the impairment of each other's rights" (*Sacharow*) then obviously "private" racial discrimination does not violate the 14th Amendment.

On the contrary, it is well established that state courts cannot ignore constitutional rights of litigants under the theory that is "not the state" that is taking away those right but a private litigant. *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948) ("[I]t would appear beyond question that the power of the State to create and enforce property interests must be exercised within the boundaries defined by the Fourteenth

Amendment.”)

Yet, lower courts remain confused by *Sacharow* which has never been overruled. For example, in the instant case, the trial court explicitly cited *Sacharow* to justify the continued suspension of Malhan’s fundamental right to custody of his children. Nov 15, 2019 Order 617-18a. As of this 11/15/19 Decision Malhan had no had custody for two years without a plenary hearing based on some vague “concern for the well-being of the children.” 618a.

Furthermore, the Third Circuit in in *B.S. v. Somerset County*, 704 F.3d 250 (2013) held that the suspension of any substantive custody rights without a full hearing is unconstitutional:

The deprivation of a parent's custodial relationship with a child is among the most drastic actions that a state can take against an individual's liberty interest, with profound ramifications for the integrity of the family unit and for each member of it. From the parent's perspective, there may be little meaningful difference between instances in which the state removes a child and takes her into state custody and those in which the state shifts custody from one parent to another, as occurred here. In either case, the government has implicated a fundamental liberty interest of the parent who loses custody. The state has caused a deprivation and risks having done so wrongly.

704 F.3d at 271.

The Third Circuit further explained: “the evidence shows conclusively that, when a non-custodial parent is available to take a child, it is customary for the County to temporarily suspend the other parent's custody rights without a hearing, when abuse is suspected.” *Id.* at 275. The Court held this to be unconstitutional. The same thing happened in Malahn’s case and continues to happen in family courts in New Jersey on a regular basis.

The Third Circuit held that a delay of even forty days before a parent could meaningfully contest loss of custody was unconstitutional:

Nor is it sufficient that Mother's custodial rights were eventually addressed after Eller's abuse investigation was concluded. The constitutional deprivation at issue at this point is Daughter's initial removal from Mother's home, so being heard much later, after the deprivation, fails to address the harm.

Id. at 272.

A delay of 40 days is too long, yet in Malhan’s case when his custody was suspended in 2011 his custody was suspended for more than 400 days and there never was a plenary hearing. App App. 214a, 232a, 236a, Slip Op. 64. When Malhan’s physical and legal custody was suspended again on September 11, 2017 (386a) again there was never a plenary hearing--despite repeated demands for one (393a, 396a, 399a). No meaningful action was taken by the family court for months—when the court found there was no danger and no basis to suspend custody.

The Appellate Division’s holding (“Although a

plenary hearing is encouraged as part of a significant and disputed custody change ... the suspensions here were emergent, intended to be Temporary[.]) was plainly contrary to the Third Circuit's holding in a precedential decision. *B.S.*, 704 F.3d at 271.

Furthermore, the Appellate Division's holding that "pendente lite custody rulings here are moot because a final custody determination has been made" is also wrong—for two reasons. First, this is a classic example of a situation capable of repetition but evading review on a matter of public importance. *Matter of Commitment of C.M.*, 458 N.J. Super. 563, 568–69 (App. Div. 2019).

However, the issue is not moot.

First Malhan's youngest daughter is still a minor and Malhan continues to be separated from her on the basis of the legal errors complained of here—so the constitutional right to custody is active and not moot. There still may be time for this appeal to help rectify Malhan's loss of custody.

Secondly, in this case Malhan has been ordered to pay hundreds of thousands of dollars in counsel fees for litigating this very issue—that is, he has been ordered to pay hundreds of thousands of dollars to fight for his constitutional rights. Minimally, to address the issue of massive counsel fees the court would need to address issues such as "the reasonableness and good faith of the positions advanced by the parties." Slip Op.110. The Appellate Division decision further noted (Slip Op. 116):

Bad faith may be demonstrated by misuse or abuse of process, seeking relief which one knows or should know that no reasonable argument

could be advanced in fact or law to support, intentional misrepresentation of facts or law, and acts of a losing party that are vexatious, wanton or carried out for oppressive reasons.

Evidently the trial court and appellate division thought Malhan constantly insisting the trial court follow the decision in *B.S. v. Somerset* (inter alia) was unreasonable and in bad faith. Indeed, the appellate division decision cited two specific examples of alleged bad faith: "defendant's repeated motions to restore custody ... and his ongoing efforts to vacate the gag orders." Slip Op 111. Clearly, the Appellate Division thought that Malhan's "repeated motions to restore custody" were a core justification for the \$2 million counsel fee award.

If Malhan is correct (that the suspension of his parenting time repeatedly and indefinitely was wrong), then that would bear directly on the issue of counsel fees and cannot be moot. This may be why the Appellate Division worded the opinion the way it did: it is moot but we will address it anyway—the appellate Judges must have sensed it was not really moot.

To be clear, Malhan is not asking this Court to review—directly—the counsel fee award, however, if this Court were to hold that Malhan's legal argument was correct, then surely the lower court on remand would need to review the \$2 million dollar counsel fee award—meaning the issue is not moot at all.

Accordingly, the Appellate Division erred in holding that the issue was moot and that a plenary hearing is discretionary and only "encouraged."

Third Circuit has noted that "[T]he evidence

shows conclusively that, when a non-custodial parent is available to take a child, it is customary for the County to temporarily suspend the other parent's custody rights without a hearing, when abuse is suspected." *B.S.* 704 F.3d at 275. This was the policy in Pennsylvania and remains the policy in New Jersey. This denial of due process in the suspension or termination of parental rights, is thus not limited to New Jersey. It is problem of national dimension that ought to be addressed by this Court.

2. New Jersey's precedent declaring that in a custody dispute there is no state action and hence there is no constitutional right involved when the State terminates parental rights is contrary to this Court's precedents

This case impacts some of the most fundamental, Constitutional rights. "[P]erhaps the oldest of the fundamental liberty interests recognized" by the Supreme Court and lower courts alike is the liberty interest that parents have in the care and custody of their children. *Troxel v. Granville*, 530 U.S. 57, 65 (2000); *see also Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Schmidt v. Des Moines Public School*, 655 F.3d 811, 816 (8th Cir. 2011); *Whisman v. Rinehart*, 119 F.3d 1303, 1310 (8th Cir. 1997).

Both parents and children have a liberty interest in each other's companionship. *See Lehr v. Robertson*, 463 U.S. 248, 258 (1983) ("[T]he relationship of love and duty in a recognized family unit is an interest in liberty entitled to constitutional protection."). The "fundamental liberty interest of natural parents in the care, custody, and management

of their child does not evaporate simply because they have not been model parents," *Santosky*, 455 U.S. at 753.

A significant reason for this continuing violation of the Fourteenth Amendment is this Court decision in *Sacharow v. Sacharow*, 177 N.J. 62 (2003), which held that:

Rather, by submitting their dispute to the court, it is the parties themselves who essentially seek the impairment of each other's rights. In that circumstance, the State is thrust into the role of "mediator by necessity."

The holding of *Sacharow* is contrary to U.S. Supreme Court precedent in *Palmore v. Sidoti*, 466 U.S. 429 (1984). In *Palmore*, Florida family courts discriminated on the basis of race, and the Supreme Court held that this was a violation of the 14th Amendment. Needless to say, if in a custody dispute "it is the parties themselves who essentially seek the impairment of each other's rights" (*Sacharow*) then obviously "private" racial discrimination does not violate the 14th Amendment.

On the contrary, it is well established that state courts cannot ignore constitutional rights of litigants under the theory that is "not the state" that is taking away those right but a private litigant. *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948) ("[I]t would appear beyond question that the power of the State to create and enforce property interests must be exercised within the boundaries defined by the Fourteenth Amendment.")

Yet, lower courts remain confused by *Sacharow*

which has never been overruled. For example, in the instant case, the trial court explicitly cited *Sacharow* to justify the continued suspension of Malhan's fundamental right to custody of his children. Nov 15, 2019 Order 617-18a. As of this 11/15/19 Decision Malhan had no had custody for two years without a plenary hearing based on some vague "concern for the well-being of the children." 618a.

This was, and is, contrary to the 14th Amendment and numerous federal precedents apply the 14th Amendment to situations such as this. Because *Sacharow* was handed down by this Court lower courts in New Jersey may be reluctant to fail to apply *Sacharow* regarding that as something that this Court needs to do.

Accordingly, this is not only a matter involving fundamental rights, but is an ongoing issue of general public importance that should be reviewed by this Court.

Indeed, this matter is an ambiguous issue of state law (although the federal precedent is unambiguous). Thus, the Appellate Division decision is in conflict with precedent of the U.S. Supreme Court and Court of Appeals for the Third Circuit.

3. There is a lower court split on this issue because several circuits have held that in a custody dispute the State may not restrict parental rights without a prompt and meaningful opportunity to contest the allegations, but some States including New Jersey have disagreed

As noted above, the Appellate Division of New Jersey held that a plenary hearing is merely “**encouraged** as part of a significant and disputed custody change.” Emphasis added. The New Jersey court also continue to follow *Sacharow v. Sacharow*, 177 N.J. 62 (2003). At least one New Jersey district court case also followed *Sacharow*. *Rashduni v Melchionne*, No. 2:2015cv08907 (D.N.J. 2016) (KM).

Yet the Third Circuit in *B.S. v. Sommersett* held explicitly that when the state takes away custody (even if transferring to a different parent) that the state must afford the parent losing custody a meaningful opportunity to contest loss of custody. Family courts in New Jersey apply *Sacharow*, because the Third Circuit is not directly above the family court and *Sacharow* has not been overruled.

Moreover, at last three other federal circuit courts have agreed with the Third Circuit in *B.S. Eidson v. State of Tennessee Dep’t of Soc. Servs.*, 510 F.3d 631, 635 (6th Cir. 2007); *Swipies v. Kofka*, 419 F.3d 709, 715 (8th Circuit 2005); *Morrell v. Mock*, 270 F.3d 1090, 1098 (7th Cir. 2001) (“[E]ven though the interference with the mother’s custody in this case was to be temporary, [the court] cannot ignore the not insubstantial risk that once physical custody is erroneously transferred, it may never be regained.”).

This Court should take this case to clarify this important point of constitutional law that has divided lower courts.

4. Even if it is too late to save Malhan’s children this is a classic case of an important legal issue capable of repetition but evading review

The New Jersey Appellate Division held:

Defendant argues the court erred when it suspended his physical custody without a plenary hearing in 2011, and his legal and physical custody without a plenary hearing in 2017 and 2018. As a threshold matter, any pendente lite custody rulings here are moot because a final custody determination has been made.

Pet App. 70a.

Needless to say, if this reasoning were applied by this Court then this Court could never review any deprivation of custody.

One exception to the mootness doctrine applies to cases capable of repetition but evading review when “the challenged action is in its duration too short to be fully litigated prior to cessation or expiration;” and (2) “there is a reasonable expectation that the same complaining party will be subject to the same action again.” *United States v. Juvenile Male*, 564 U.S. 932, 938 (2011) (per curiam) (quoting *Spencer*, 523 U.S. at 17).

Again Malhan is still being denied custody of his minor daughter so Malhan has more than is “a reasonable expectation that the same complaining party will be subject to the same action again” Malhan is actually being treated the same way even now.

By the time, a custody dispute gets to this Court on appeal, there will be no way to make up the lost time and restore the lives of the children who grew up without a father.

5. This is not a small case. There are questions people will ask for decades to come.

In one of the most civilized nations on Earth.

How was this possible!

As of June 2026, Malhan is 65 years old and Alina is 42.

Alina Myronova - about 23 years younger to Surender Malhan.

In 2004 Alina was still in College in Kharkov, Ukraine.

And Malhan was a successful small business owner in Jersey City, NJ - Software Services Firm.

In 2004, Alina and her mother Viktoriya came to US, virtually empty handed, all expenses paid by Malhan.

Malhan gave them a job in his small business.

Six years cohabitation and 3 years marriage.

One of the biggest marriage-immigration fraud case in US history by a mother-daughter pair from Ukraine.

The sheer audacity of the endless list of crimes committed with such brazen impunity is chilling.

Follow the money. The fraud and stealing began even before landing on US soil. Alina and Viktoriya stole over \$300,000 from marital assets. Unjustly enriched with another \$300,000. Together they

falsified several documents including Bank Records.
(In Jan 2025 Alina was arrested, charged and convicted in two courts in New Jersey for over 5 shop lifting charges in two different locations. Some time in fall of 2025, Alina was arrested for DUI.)

On Feb 24, 2011, immediately after getting her Green Card Alina filed for divorce. 11 years litigation, 100 days trial. As of 2026, over 15 years and counting.

Alina was given Custody. Hundreds of thousands of dollars in Child Support and Spousal Support.

On average Alina was given well over 70% in all of Malhan's assets - pre-marital, marital and post-marital - 9 Units. All assets ordered sold including Malhan's residence since 1996.

From Sale of all Assets, physically Malhan received in hand \$0.00 and Alina received in hand \$0.00. All 100% from sales went direct from Title company to Alina's attorney Law Firm PSWH.

In addition, Malhan was ordered to pay Alina's counsel fees of \$2 million and this was entered in State of New Jersey account books as Child Support backlog and Spousal Support backlog. Malhan was ordered to pay Spousal support backlog (\$504,108.00) in installments of \$500 / week till he reaches age of 82. And ordered to pay child support backlog (\$1,842,237.20) in installments of \$500/week till Malhan is 132 years old. \$675/week in ongoing child support till Malhan is 72 years old.

September 11, 2017, Malhan's children were taken away. JOD is Feb 2022. It is impossible for any average person to have a roof over his head for even a year, and impossible to stay alive after such a lethal JOD.

After September 11, 2017, for next two years, during supervised visits of about an hour every week or two, and evening phone calls - duration ranging from 10 seconds to at times few minutes, - I witnessed, my children put through a kind of psychological torture, resulting in an outcome - that I call "psychological murder".

As of June 2026, it is over 6 years. I have zero contact with my children. I am not allowed even a photo of my children. An incredible stroke of luck - recently an eyewitness told me, seeing my daughter with Alina's boyfriend Jeff Rothstein walking into a police station, my daughter looking totally subdued, submissive, sad, depressed and silent (Alina was in that police station arrested for DUI).

Losing a child, child being subjected to torture, child irreparably harmed for life - this is a parents worst nightmare. The victim parent is expected to work, earn money, pay a fortune in child support. Such expectation we had from slaves.

How did Alina and Viktoriya, come from Ukraine, Alina lived with Malhan for 6 years, and utterly destroy Malhan? For all practical purposes Malhan is a slave enduring a death sentence!

Victim parents all over America know. The JOD (Judgement of Divorce) is a Death Sentence. The JOD is a Murder Weapon! I have seen people die from JODs which were much less lethal - Leon Koziol, Catherine Kassenoff and many more. Lives of victim parents are cut short by decades.

Child support and spousal support is weaponized. In a premeditated manner, an illegal amount is deliberately ordered for child and spousal support, so when the victim parent fights for justice and defaults on payments, he can be arrested and incarcerated.

For a Victim Parent, the sheer magnitude of emotional-psychological pain and financial pain is so lethal that Family Court Orders can be called Death Sentences, Attempted Murder, Murder Weapon, Enslavement, Noose Around the Neck. This is a grim reality for thousands of victim parents all over America.

6. The underlying cause - Social Security Act Title IV-D

We know how Social Security Act Title IV-D drives all this.

Title IV-D of the Social Security Act has incentivized child support collection, thereby neutralizing checks and balances against fraud, corruption, and the enforcement of our laws.

In every family court, in every case, all over America, the goal is very simple: The State strives to collect the maximum amount of federal taxpayer dollars under Title IV-D.

The Law Firms will extract all assets of both litigants, and extract all future assets and earnings for the longest duration.

Child custody, child support, spousal support are big enablers.

The game is played like a game of chess. For the victim parent, this is a Death Sentence.

Social Security Act Title IV-D has created conflict of interest. The State wants a parent to lose custody so as to maximize federal taxpayer dollars under Title IV-D.

If Social Security Act Title IV-D was not there, then:

- Malhan and thousands of parents would not lose custody.
- Thousands of children would not be traumatized and irreparably harmed for life.
- Litigation would not have gone for 11 years. Trial would not have lasted 100 days. Post JOD motions and child support enforcement actions would not continue till Malhan is 132 years old (legal fees accounted as child support arrears, collected in installments of \$500/week).

- Over \$2 million in legal fees would not be accounted as Child Support backlog.
- Alina Myronova and Viktoriya Myronova would be in Prison and deported to Ukraine - the biggest frauds in US History.

Crime, Corruption does not stay confined within the corridors of Family Courts. It has spread like wild fire, like Ebola virus to all branches of government and outside. In my opinion many events, we see happening at local level and global level, would not be happening if Social Security Act Title IV-D was not there. Social Security Act Title IV-D has changed the world order and much more.

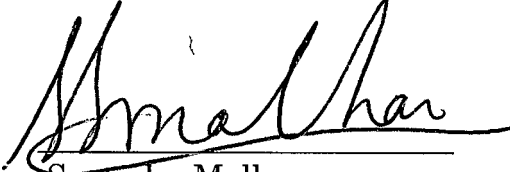
Social Security Act Title IV-D will go down in human history as one of the most cleverly sugar coated, insanely evil, barbaric law, which will make a civilization "self destruct". We are seeing this happen.

Social Security Act Title IV-D, will not merely destroy America, it will destroy the Human Species to an extent as never before.

CONCLUSION

The petition for a writ of certiorari should be granted.

June 4, 2026
Date


Surender Malhan, pro se