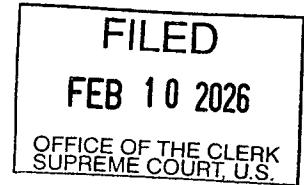


25-6834
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



AMADASOPHIA KOMOREBI,

Petitioner,

v.

ANDREW KATKIN,

Respondent.

On Petition for a Writ of Certiorari
to the Supreme Court of California
(and Court of Appeal of the State of California, Sixth Appellate District)

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Parental Kidnapping Prevention Act (PKPA), 28 U.S.C. § 1738A, permits a State court to deny home-State priority jurisdiction by treating a minor child's brief, sponsored visit as "not temporary" based on the visiting parent's request for child support or temporary emergency public assistance, and then to exercise "significant connection" jurisdiction when the minor child's home State has not declined jurisdiction.

2. Whether the Due Process Clause of the Fourteenth Amendment permits the ex parte removal and continued out-of-State retention of a minor child from a parent found fit, and the entry of a final custody order that provides only non-specific "reasonable visitation" without an enforceable minimum schedule of parent-child contact, effectively delegating the noncustodial parent's access to the child to the discretion of the opposing party.

LIST OF PARTIES

Petitioner: AmadaSophia Komorebi (Mother).

Respondent: Andrew Katkin (Alleged Father).

Minor child: A.K. (initials used).

RULE 29.6 STATEMENT

Petitioner is an individual. No publicly held corporation owns 10% or more of any party.

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RELATED PROCEEDINGS

This case arises from a child-custody proceeding in the Monterey County Superior Court (Family Division), Case No. 21PT000030.

Court of Appeal of the State of California, Sixth Appellate District: H050891 (opinion filed July 16, 2025; petition for rehearing filed July 31, 2025 and denied).

Supreme Court of California: Komorebi v. Katkin, No. S292621 (request for judicial notice granted; petition for review and application for stay denied November 12, 2025).

There are no related federal proceedings known to Petitioner.

OPINIONS BELOW

The opinion of the Court of Appeal of the State of California, Sixth Appellate District, filed July 16, 2025, is reproduced in the Appendix at App. 1a.

The order of the Supreme Court of California denying discretionary review, entered November 12, 2025, is reproduced in the Appendix at App. 21a.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Supreme Court of California denied discretionary review on November 12, 2025. This petition is timely under Supreme Court Rule 13.1 because it is filed within 90 days of that order; the resulting deadline is February 10, 2026 (absent an extension under Rule 13.5).

The decision below is final within the meaning of 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. art. IV, § 1 provides:

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

U.S. Const. amend. XIV, § 1 provides in relevant part:

“nor shall any State deprive any person of life, liberty, or property, without due process of law.”

The Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A, provides in relevant part:

“(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsections (f), (g), and (h), any child custody determination made consistently with the provisions of this section by a court of another State.”

“(b)(4) ‘home State’ means the State in which, immediately before the date of the commencement of the proceeding, the child lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, or, in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. A period of temporary absence of any of such persons is part of the period.”

“(c) A child custody determination made by a court of a State is consistent with the provisions of this section only if—

(1) such court has jurisdiction under the law of such State; and

(2) one of the following conditions is met:

(A) such State is the home State of the child on the date of the commencement of the proceeding, or had been the child’s home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State;

(B) it appears that no other State would have jurisdiction under subparagraph (A), and it is in the best interest of the child that a court of such State assume jurisdiction because (i) the child and at least one contestant have a significant connection with such State other than mere physical presence in such State, and (ii) there is available in such State substantial evidence concerning the child’s present or future care, protection, training, and personal relationships;”

See also 28 U.S.C. § 1738A(c)(2)(C) (emergency jurisdiction).

STATEMENT OF THE CASE

A. A.K. is a Massachusetts child; Massachusetts has been the Home State both prior to and when proceedings commenced.

The courts below recognized that A.K. was born in Massachusetts and “Mother raised A.K. there for the next 17 months.” (App. 2a.) Petitioner maintained A.K.’s Massachusetts’s pediatric care, family, and community ties during that period. (CT 22-23; CT 61-62; CT 80; CT 264.)

The record also includes evidence that Petitioner maintained A.K. and her permanent residence in Lenox, Massachusetts [including their deeded home], and that the California temporary travel did not terminate those Massachusetts ties. (CT 1729–1730.) (See also CT 61-62; CT 590; RT1 174-176; CT 1728-1730.)

B. The California proceedings began during a temporary visit.

The alleged father lured and coerced Petitioner to bring A.K. to California so A.K. could meet him for the first time in their lives; Respondent chose to abandon the Child upon learning she was in utero in 2018. (App. 2a.) A.K. and Petitioner arrived in California on December 1, 2020. (App. 2a.) In his UCCJEA declaration, Respondent identified Massachusetts as A.K.’s residence since her October 2018 conception, through December 1, 2020, and described the minor child’s California presence beginning December 1, 2020, as a temporary visit. (CT 22.) (See also CT 61-62; CT 65-66; CT 92-97; CT 682-684.)

At the March 18, 2021 jurisdiction hearing, Petitioner’s counsel stated on the record that A.K. and Petitioner’s home is in Massachusetts, that she and A.K. were in California only temporarily, and that A.K. and Petitioner had **not** moved to California. (App. 29a.) Counsel confirmed that during A.K. and Petitioner’s visit they were in a hotel room, had a rental car and Counsel had

documentation of their Massachusetts home deed, proof of Petitioner's east coast public school teaching history, as well as future Massachusetts school employment start date[mail]. (App. 29a.) (See also CT 61-62; RT1 8.)

Respondent commenced this custody proceeding in Monterey County on February 16, 2021—only two months after A.K.'s arrival in California, on Petitioner's birthday during President's Day winter break, in an improper and inconvenient forum, just days before A.K.'s planned return home to the minor child's Massachusetts home. (App. 3a.) (CT 16-17; CT 61-62; CT 682-684; CT 712.)

C. Ex parte orders removed A.K. from Petitioner and restrained Mother and Child from returning to their Massachusetts permanent home residence.

On February 23, 2021, the trial court issued an ex parte emergency order granting Respondent temporary physical custody and restricting Petitioner's ability to travel with A.K. back to their home in Massachusetts (App. 3a.) Two days later, Respondent removed A.K. from her and Petitioner's hotel room without Petitioner's consent, executing physical custody of A.K. Respondent denied A.K. and Petitioner visitation for several days there after, in violation of the emergency ex parte Court order (App. 4a.) (CT 52-53; CT 61-62.)

D. The trial court found California was not the home State but retained jurisdiction based on collateral acts.

At the ensuing temporary-custody proceedings, Petitioner confirmed that A.K. was in California only temporarily and that Massachusetts is A.K.'s Home State. (App. 4a.) The trial court found that Massachusetts did not have home-State jurisdiction, found that California also did not have

home-State jurisdiction, and nevertheless concluded that California could proceed on a “significant connection” theory. (App. 4a.) (CT 93-97; CT 136-137.)

At the March 18, 2021 jurisdiction hearing, Petitioner’s counsel stated on the record that Petitioner “lives in Massachusetts” and was in California only for a temporary visit, staying in a hotel and renting a car, and had not moved to California. (App. 29a.) The Court of Appeal nevertheless recounted that the trial court treated Petitioner’s application for child support or request for emergency assistance while in California to wrongfully allege that her absence from Massachusetts was not temporary and relied on that false assumption to deny Massachusetts’s home-State jurisdiction. (App. 4a.) This Petition presents whether, under the PKPA’s home-State priority and “temporary absence” rule and the Constitution’s protection of interstate travel, a State may treat a parent’s pursuit of basic support or public assistance during an asserted and documented temporary presence as a jurisdictional fact that displaces a child’s home State. (CT 136; RT1 8.)

In the summer of 2021, the trial court terminated the ‘emergency’ ex-parte and issued a temporary order awarding joint legal and physical custody, granting primary custody to Mother, and set an evidentiary hearing regarding the child-custody evaluation and Petitioner’s request to return A.K. to her permanent home residence in Massachusetts. (App. 5a.) (CT 283-285; CT 298-299.)

E. The emergency premise did not endure; the custody evaluator recommended A.K. return to her Massachusetts home with Mother.

A court-appointed custody evaluator, Dr. Regina Marshall, recommended that Petitioner be awarded physical custody and be permitted to return with A.K. to their permanent home residence in Massachusetts. (App. 5a; CT 590; RT1 174–177.); (CT 633); (RT1 236).

The trial court Judge acknowledged on the record “There’s no question in my mind that [A.K.] was healthy under your [Mother’s] sole care and custody.” (RT5 1308.)

F. The final order awarded Respondent sole custody and relegated Petitioner to vague, overly broad & unenforceable “reasonable visitation.”

On February 23, 2023, the trial court entered a final order awarding Respondent permanent legal and physical custody. (App. 6a.) A subsequent written order relegated Petitioner to non-specific “reasonable visitation” by telephone or video, with no enforceable schedule. (CT 1457.)

G. Appellate proceedings.

The Court of Appeal affirmed on July 16, 2025. (App. 1a.) It rejected Petitioner’s contention that the trial court lacked jurisdiction and concluded that the emergency order satisfied due process. (See, e.g., App. 4a, 9a–12a, 13a–14a.) The Supreme Court of California granted Petitioner’s request for judicial notice and denied review and a stay on November 12, 2025. (App. 21a.)

REASONS FOR GRANTING THE PETITION

I. The Decision Below Conflicts With the PKPA's Home-State Priority and Invites Interstate Custody Competition.

Congress enacted the PKPA to establish national rules of priority and full faith and credit for interstate child-custody determinations, and to deter the very forum-shopping and interstate competition that arise when multiple States purport to decide custody. See *Thompson v. Thompson*, 484 U.S. 174, 180–83 (1988). The statute gives “home State” jurisdiction priority, and it expressly provides that “[a] period of temporary absence” is part of the six-month home-State period. 28 U.S.C. § 1738A(b)(4), (c)(2)(A).

Here, A.K. lived in Massachusetts since conception through the first 26 months of her life. (App. 2a.) The temporary trip to California began on December 1, 2020, after the alleged Father, for the first time ever, requested to meet A.K. Respondent lured and coerced Petitioner to bring A.K. to California to meet him for the first time in their lives. (App. 2a.) Respondents own UCCJEA declaration identified Massachusetts as A.K.'s residence through December 1, 2020, and described the California period as a temporary visit. (CT 18, 22; CT 61-62; CT 93-97; CT 682-684; CT 712.)

At the same threshold hearing, counsel explained that the jurisdiction dispute turned on whether A.K.'s absence from Massachusetts was temporary and whether Massachusetts had initial jurisdiction rather than California continuing under emergency jurisdiction. (App. 28a-29a.)

Nevertheless, the courts below denied Massachusetts's home-State priority by treating the child's absence as “not temporary,” relying in part on collateral acts such as Petitioner's request for child support or emergency assistance in California. (App. 4a.) They then upheld California's exercise of “significant connection” jurisdiction even though California is **not** the home State

and Massachusetts had not declined jurisdiction. (App. 4a.) That construction is incompatible with the PKPA’s text and purpose and will predictably incentivize forum shopping in interstate custody disputes. (CT 136.)

Because neither the PKPA nor the UCCJEA defines “temporary absence,” courts have developed different standards—broadly, objective (location-focused) and subjective (intent-focused). See *Aldava v. Johnson*, No. 2023-SC-0251-MR, slip op. at 1–2, 11–13 (Ky. Mar. 14, 2024) (to be published). Some courts adopt an objective, physical-presence approach to avoid state-of-mind inquiries. See *Powell v. Stover*, 165 S.W.3d 322, 326–28 (Tex. 2005). The decision below deepens the disuniformity by treating collateral acts—such as applications for support or assistance—as evidence that a short visit was “not temporary.” (App. 4a.)

Courts applying the UCCJEA/PKPA routinely treat travel, visits, and even months-long trips outside the home State as a “temporary absence” when objective circumstances show the family maintained its home base and intended to return. See, e.g., *Matter of Sarah RR. v. Andrew SS.*, 2025 NY Slip Op 07355, at *2–3 (N.Y. App. Div. 3d Dep’t Dec. 18, 2025) (Massachusetts remained the home State; time away on a sailing trip was a temporary absence where family home and belongings remained in Massachusetts); *Ogawa v. Ogawa*, 125 Nev. 660, 666–67 (2009) (children left Nevada for a temporary vacation; “temporary absences do not interrupt the 6-month pre-complaint residency period”); *Sarpel v. Eflanli*, 65 So. 3d 1080, 1083 (Fla. 4th DCA 2011) (affirming trial court’s finding of temporary absence for an extended stay abroad); *Ocegueda v. Perreira*, 232 Cal. App. 4th 1079, 1088–89 (2015) (recognizing “temporary absence” prevents an “extended visit” from automatically vesting home-state jurisdiction elsewhere); *M.G. v. C.M.*, 2017 NY Slip Op 50745(U), at *6 (Sup. Ct. Kings Cnty. June 2, 2017) (explaining temporary-absence doctrine exists so parties may vacation and visit family without

jeopardizing home-state status). Here, the record reflects precisely the sort of temporary visit those cases protect: Massachusetts was the established home; Petitioner and A.K. maintained their residence, belongings, and return plans; and California proceedings commenced only during that trip. (CT 22-23; CT 61-62; CT 93-97; CT 1728-1730; CT 590; RT1 8; CT 682-684.) The decision also raises an important, recurring federal question because it allows a State to convert ordinary survival steps taken during a temporary trip—such as seeking child support or short-term assistance—into a jurisdictional lever that strips a child’s actual home State of priority. This approach disproportionately burdens low-income and indigent parents and conflicts with the PKPA’s uniformity objective. That problem is illustrated here: although counsel stated she had documented evidence that Petitioner and A.K. live in Massachusetts and were only temporarily visiting California (App. 29a), the Court of Appeal recounted that the trial court treated Petitioner's child-support application and assistance request in California alleging her absence was not temporary (App. 4a). (CT 136; CT 93-97.)

The Court of Appeal recounted that the trial court relied on ‘applications for child support and public assistance in California’ to conclude that Petitioner’s absence from Massachusetts was not temporary. (App. 4a.) Treating such applications as dispositive proof that an out-of-state visit was not ‘temporary’ penalizes interstate travel and conflicts with this Court’s right-to-travel jurisprudence. *Shapiro v. Thompson* held that deterring migration of needy persons is constitutionally impermissible and that a classification that penalizes interstate movement is unconstitutional absent a compelling governmental interest. 394 U.S. 618, 631, 634 (1969). (CT 136.)

This Court’s review is warranted to reaffirm that PKPA home-State priority cannot be circumvented by recharacterizing a short visit as non-temporary based on collateral acts

unrelated to the child’s residence, and to clarify the limited circumstances in which “significant connection” jurisdiction may be used when a home State exists.

II. The Decision Below Dilutes Fourteenth Amendment Due Process in Proceedings That Remove a Child From a Fit Parent.

The parent-child relationship is a fundamental liberty interest. *Troxel v. Granville*, 530 U.S. 57, 65–66 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972). Due process is “flexible,” but it requires procedures commensurate with the gravity of the deprivation. *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

The Court of Appeal held that due process was satisfied by the initial *ex parte* emergency order and the scheduling of a hearing approximately one month later. (App. 13a–14a.) Petitioner contends that the emergency premise did not justify the out-of-State removal and continued retention of A.K. from her longstanding sole caregiver, and that the proceedings failed to provide meaningful safeguards before the relationship was effectively severed across State lines.

Compounding the problem, the final custody order provided A.K. and Petitioner only non-specific “reasonable visitation” only by phone or video without any enforceable minimum schedule. (CT 1457.) Where the adverse party controls whether contact occurs at all, such an order can operate as a *de facto* termination of the parent-child relationship without the findings and procedural protections typically required for that result.

This Court’s review is warranted to clarify the minimum due process required when a State’s custody orders remove a child from a fit parent and effectively eliminate meaningful contact without an enforceable visitation framework, particularly when jurisdiction is contested on federal grounds.

III. This Case Is a Suitable Vehicle for Resolving the Federal Questions Presented.

The judgment below is final. The PKPA and due process issues were raised and passed on in the courts below. (See, e.g., App. 1a, 9a–12a, 13a–14a.) The Supreme Court of California denied review. (App. 21a.)

The federal questions are cleanly presented and dispositive. If Massachusetts was the home State under the PKPA, California's continued exercise of jurisdiction and the resulting custody orders are invalid under federal law. If due process was not satisfied, the custody and visitation framework cannot stand. No vehicle problems prevent this Court from reaching the issues.

CONCLUSION

The petition for a writ of certiorari should be granted. The Court should reverse or vacate the judgment below and remand with instructions consistent with the PKPA's home-state priority and the Due Process Clause.

Respectfully submitted,

AmadaSophia Komorebi (pro se)

AmadaSophia Komorebi

February 6, 2026