

26-5693

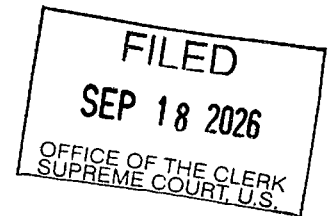
App No. \_\_\_\_\_

---

---

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

---



JENNIFER-ANN BARRON,

*Petitioner,*

v.

DAN K. HIBBLER,

*Respondent.*

---

On Petition for a Writ of Certiorari to the  
Appellate Court of Illinois, Second District  
**PETITION FOR A WRIT OF CERTIORARI**

---

September 17, 2026

Jennifer-Ann Barron  
*Petitioner, Pro Se*  
931 S. 3<sup>rd</sup> Street  
Saint Charles, IL 60174  
Tel: (805) 710-5273  
Email: jen.barron17@gmail.com

## **QUESTION PRESENTED**

A state family court entered an emergency order in petitioner's absence after approximately 49 minutes' email notice. The order eliminated all parent-child contact and remained in effect until a merits trial approximately eight months later. The state appellate court held that the later final order superseded the emergency order, leaving the completed interim constitutional deprivation without effective appellate relief.

**Whether the Fourteenth Amendment's Due Process Clause permits an emergency order eliminating all parent-child contact to remain in effect for approximately eight months without a prompt adversarial hearing, and whether a later merits hearing automatically cures or moots the completed interim deprivation.**

## LIST OF PARTIES AND RELATED PROCEEDINGS

### Parties

All parties appear in the caption. Petitioner Jennifer-Ann Barron was respondent-appellant below. Respondent Dan K. Hibbler was petitioner-appellee below.

L.H. is the minor child whose parentage and allocation of parental responsibilities are at issue and is identified only by initials in accordance with privacy rules.

### Corporate Disclosure Statement

No corporate disclosure is required under Supreme Court Rule 29.6 because the parties are individuals.

### Related Proceedings

- *In re Parentage of L.H.*, No. 2017-F-481, Circuit Court of Kane County, Illinois (final parenting order entered July 24, 2025; related proceedings remain ongoing).
- *In re Parentage of L.H.*, No. 2-25-0354, Appellate Court of Illinois, Second District (order filed January 12, 2026; rehearing denied February 20, 2026; mandate issued May 28, 2026).
- *In re Parentage of L.H.*, No. 133002, Supreme Court of Illinois (petition for leave to appeal denied April 23, 2026).

- Barron v. Hibbler, No. 2024-OP-1747, Circuit Court of Kane County, Illinois (emergency order of protection entered November 12, 2024; vacated November 13, 2024; petition withdrawn December 12, 2024).
- Jennifer B. v. Dan H., Application No. 26A69, Supreme Court of the United States (application for extension of time granted July 16, 2026, extending the time to file a petition for a writ of certiorari through September 20, 2026).

Petitioner is unaware of any other directly related proceeding in any court related to this case within the meaning of Supreme Court Rule 14.1(b)(iii).

## TABLE OF CONTENTS

|                                                                                                                                                 |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>OPINIONS BELOW .....</b>                                                                                                                     | <b>1</b>  |
| <b>JURISDICTION .....</b>                                                                                                                       | <b>1</b>  |
| <b>CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....</b>                                                                                   | <b>2</b>  |
| <b>STATEMENT OF THE CASE .....</b>                                                                                                              | <b>3</b>  |
| A. The parentage action and governing parenting orders .....                                                                                    | 3         |
| B. The November 12, 2024 emergency order eliminated all contact .....                                                                           | 4         |
| C. No prompt adversarial merits hearing occurred while the no-contact<br>order controlled the relationship .....                                | 5         |
| D. The July 2025 trial produced serious findings and a near-total final<br>restriction .....                                                    | 6         |
| E. The appellate court held that the final trial made the federal claim<br>unreviewable .....                                                   | 7         |
| <b>REASONS FOR GRANTING THE PETITION .....</b>                                                                                                  | <b>9</b>  |
| <b>I. Lower courts conflict over prompt post-deprivation review and<br/>        whether a later merits hearing extinguishes the claim .....</b> | <b>18</b> |
| A. This Court requires prompt process when emergency conditions<br>postpone a hearing .....                                                     | 18        |
| B. Courts treat promptness as an independent constitutional requirement ..                                                                      | 19        |
| C. Other courts, including the court below, treat a later final hearing as<br>extinguishing the challenge .....                                 | 20        |
| <b>II. The rule below makes prolonged emergency deprivations<br/>        effectively unreviewable .....</b>                                     | <b>21</b> |
| <b>III. The decision below conflicts with this Court's due-process<br/>        precedents .....</b>                                             | <b>22</b> |
| A. Emergency authority did not eliminate the duty to provide a prompt<br>hearing .....                                                          | 22        |
| B. The July trial could govern future restrictions but could not erase the<br>completed separation .....                                        | 23        |
| C. Narrow relief is available without disturbing the State's protective role ..                                                                 | 24        |
| <b>IV. The religious-upbringing and communication burdens confirm<br/>        the need for prompt, narrowly tailored process .....</b>          | <b>25</b> |
| A. The orders burdened parental religious instruction and parent-child                                                                          |           |

|                                                                                                                |            |
|----------------------------------------------------------------------------------------------------------------|------------|
| communication .....                                                                                            | 25         |
| B. The overlapping burdens magnify the irreparable injury and the need to consider narrower alternatives ..... | 27         |
| <b>V. This case cleanly presents the question for review .....</b>                                             | <b>28</b>  |
| A. The federal question was repeatedly presented and expressly identified below .....                          | 28         |
| B. The court below rejected the appellee’s global procedural objections .....                                  | 28         |
| C. The judgment rests on a federal-remedial premise this Court can review..                                    | 29         |
| D. The Court need not decide disputed facts or the constitutionality of the final restrictions .....           | 29         |
| <b>CONCLUSION .....</b>                                                                                        | <b>30</b>  |
| <b>INDEX TO APPENDICES .....</b>                                                                               | <b>1a</b>  |
| <b>Appendix A — Illinois Appellate Court Order (Jan. 12, 2026) .....</b>                                       | <b>2a</b>  |
| <b>Appendix B — Illinois Supreme Court Order Denying PLA (Apr. 23, 2026).....</b>                              | <b>30a</b> |
| <b>Appendix C — Circuit Court of Kane County Final Order (July 24, 2025) .....</b>                             | <b>31a</b> |
| <b>Appendix D — Circuit Court of Kane County Emergency Order (Nov. 12, 2024) .....</b>                         | <b>33a</b> |
| <b>Appendix E — Circuit Court of Kane County Oral Findings (July 23, 2025) .....</b>                           | <b>35a</b> |
| <b>Appendix F — Illinois Appellate Court Order Denying Rehearing (Feb. 20, 2026) .....</b>                     | <b>49a</b> |
| <b>Appendix G — Allocation Judgment Excerpts (Aug. 22, 2018) .....</b>                                         | <b>50a</b> |
| <b>Appendix H — Email Notice of Emergency Presentment (Nov. 12, 2024) ..</b>                                   | <b>52a</b> |

## TABLE OF CITED AUTHORITIES

### CASES

|                                                                                                          |            |
|----------------------------------------------------------------------------------------------------------|------------|
| <i>Armstrong v. Manzo</i> , 380 U.S. 545 (1965) .....                                                    | 18, 23, 29 |
| <i>Barry v. Barchi</i> , 443 U.S. 55 (1979) .....                                                        | 18, 20     |
| <i>Brokaw v. Mercer County</i> , 235 F.3d 1000 (7th Cir. 2000) .....                                     | 19, 20     |
| <i>B.S. v. Somerset County</i> , 704 F.3d 250 (3d Cir. 2013) .....                                       | 19, 20     |
| <i>Cleveland Board of Education v. Loudermill</i> , 470 U.S. 532 (1985) .....                            | 18–19, 24  |
| <i>Elrod v. Burns</i> , 427 U.S. 347 (1976) .....                                                        | 27         |
| <i>Ex parte Couey</i> , 110 So. 3d 378 (Ala. Civ. App. 2012) .....                                       | 20         |
| <i>Fuentes v. Shevin</i> , 407 U.S. 67 (1972) .....                                                      | 18         |
| <i>In re Interest of Carmelo G.</i> , 296 Neb. 805, 896 N.W.2d 902 (2017) .....                          | 19, 20     |
| <i>Krebs v. Krebs</i> , 960 A.2d 637 (Md. Ct. Spec. App. 2008) .....                                     | 20         |
| <i>Lassiter v. Department of Social Services</i> , 452 U.S. 18 (1981) .....                              | 18         |
| <i>Mahmoud v. Taylor</i> , 606 U.S. 522, 558, 564–65 (2025) .....                                        | 26         |
| <i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976) .....                                                   | 18, 20, 23 |
| <i>Peralta v. Heights Medical Center, Inc.</i> , 485 U.S. 80 (1988) .....                                | 18, 24     |
| <i>Roberts v. United States Jaycees</i> , 468 U.S. 609 (1984) .....                                      | 26         |
| <i>Santosky v. Kramer</i> , 455 U.S. 745 (1982) .....                                                    | 18         |
| <i>Smith v. Organization of Foster Families for Equality &amp; Reform</i> , 431 U.S. 816<br>(1977) ..... | 18         |
| <i>Stanley v. Illinois</i> , 405 U.S. 645 (1972) .....                                                   | 18         |

## TABLE OF CITED AUTHORITIES—CONTINUED

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| <i>Stratton v. Stratton</i> , 834 N.E.2d 1146 (Ind. Ct. App. 2005) ..... | 20     |
| <i>Swipies v. Kofka</i> , 419 F.3d 709 (8th Cir. 2005) .....             | 19, 20 |
| <i>Troxel v. Granville</i> , 530 U.S. 57 (2000) .....                    | 18, 27 |
| <i>Turner v. Rogers</i> , 564 U.S. 431 (2011) .....                      | 22     |
| <i>Wisconsin v. Yoder</i> , 406 U.S. 205 (1972) .....                    | 26     |

### CONSTITUTIONAL PROVISIONS

|                                   |          |
|-----------------------------------|----------|
| U.S. Const. amend. I .....        | 2, 26    |
| U.S. Const. amend. XIV, § 1 ..... | i, 2, 26 |

### STATUTES AND RULES

|                                                                                                                                                              |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 28 U.S.C. § 1257(a) .....                                                                                                                                    | 2     |
| 750 Ill. Comp. Stat. 5/603.5(a) .....                                                                                                                        | 2     |
| 750 Ill. Comp. Stat. 5/603.10(a) .....                                                                                                                       | 2     |
| Ill. Sup. Ct. R. 23 .....                                                                                                                                    | 1     |
| Ill. Sup Ct. R. 341 .....                                                                                                                                    | 28    |
| <i>Keeping Children Safe From Family Violence Act (Kayden’s Law)</i> , Pub. L. No.<br>117-103, div. W, tit. XV, § 1502(6)–(8), 136 Stat. 951–52 (2022) ..... | 10    |
| Sup. Ct. R. 14.1(b)(iii) .....                                                                                                                               | iii   |
| Sup. Ct. R. 14.1(g)(i) .....                                                                                                                                 | 8, 28 |
| Sup. Ct. R. 29.6 .....                                                                                                                                       | ii    |
| Sup. Ct. R. 30.1 .....                                                                                                                                       | 1–2   |

## PETITION FOR A WRIT OF CERTIORARI

Jennifer-Ann Barron respectfully petitions for a writ of certiorari to review the judgment of the Appellate Court of Illinois, Second District.

### OPINIONS BELOW

The Appellate Court of Illinois issued an unpublished order under Illinois Supreme Court Rule 23. *In re Parentage of L.H.*, 2026 IL App (2d) 250354-U. The order is reproduced at App. 2a–29a. The order denying rehearing is reproduced at App. 49a. The order of the Supreme Court of Illinois denying leave to appeal is reproduced at App. 30a. The circuit court’s final written order and the emergency order at issue are reproduced at App. 31a–34a. The circuit court’s transcribed oral findings supporting the final order are reproduced at App. 35a–48a.

### JURISDICTION

The Illinois Appellate Court entered judgment on January 12, 2026. App. 2a. It denied a timely petition for rehearing on February 20, 2026. App. 49a. The Supreme Court of Illinois denied a timely petition for leave to appeal on April 23, 2026. App. 30a.

The original deadline to file this petition was July 22, 2026. On July 16, 2026, Justice Barrett granted Application No. 26A69 and extended the filing deadline to September 20, 2026. Because September 20, 2026, is a Sunday, Supreme Court Rule

30.1 extends the filing date through Monday, September 21, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a).

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment provides in relevant part: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech." U.S. Const. amend. I.

The Fourteenth Amendment provides in relevant part: "No State shall \* \* \* deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1.

Section 603.5(a) of the Illinois Marriage and Dissolution of Marriage Act provides in relevant part that a temporary allocation of parental responsibilities may be made "after a hearing" or, absent objection, on an agreed parenting plan. 750 Ill. Comp. Stat. 5/603.5(a).

Section 603.10(a) provides in relevant part: "After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child's mental, moral, or physical health or that significantly impaired the child's emotional development, the court shall enter orders as necessary to protect the child." 750 Ill. Comp. Stat. 5/603.10(a). Those orders may include reducing or eliminating parenting time, restraining communications, and other conditions necessary for the child's safety or welfare. *Ibid.*

## STATEMENT OF THE CASE

### A. The parentage action and governing parenting orders

Petitioner and respondent are the parents of L.H., born in 2017. A parentage action began in the Circuit Court of Kane County that year. In 2018, the parties entered an allocation judgment providing shared parental decisionmaking and a regular parenting schedule. The judgment allocated significant decisions over education, health, religion, and extracurricular activities jointly and stated that L.H. would continue to be reared in the Christian faith. App. 50a–51a. Over the next several years, the circuit court modified that arrangement in response to disputes concerning L.H.’s medical care, schooling, and repeated reports of possible abuse. The court designated a pediatrician, required advance communication concerning medical care, permitted either parent to obtain bona fide emergency medical care, and directed the parties to communicate through a parenting application. App. 3a–8a.

This history matters because respondent’s November 12, 2024 emergency motion did not arise in a vacuum. Respondent alleged that petitioner repeatedly violated prior medical-care orders and subjected L.H. to unnecessary examinations and investigations. Petitioner disputed those allegations and maintained that she was responding to reported safety and mental-health concerns. The constitutional question is not whether the court could act in a genuine emergency. It is what process was required promptly after the emergency order eliminated every form of parent-child contact.

**B. The November 12, 2024 emergency order eliminated all contact**

In early November 2024, petitioner brought L.H. to the emergency department. L.H. was subsequently admitted for approximately one week to a behavioral-health facility. Respondent disputed the basis for that medical care and alleged violations of prior medical-care orders. Petitioner maintained that the care was medically warranted. App. 9a–10a.

Early on November 12, 2024, in a separate proceeding, another circuit judge entered an emergency order of protection against respondent protecting petitioner and L.H.; that order was vacated the following day. App. 9a–10a. Later that afternoon, respondent filed an emergency motion to suspend petitioner’s parenting time. At 12:41 p.m., respondent’s counsel emailed notice that the motion would be presented at 1:30 p.m. that same day, a 49-minute interval. App. 52a. The Illinois Appellate Court recounted petitioner’s contention that the notice made attendance impossible. App. 21a.

The circuit court proceeded in her absence. The resulting two-page written order awarded respondent possession of L.H. and temporary sole decisionmaking, suspended petitioner’s parenting time, and prohibited every form of contact “until further order of court.” App. 33a–34a. The written order contains no factual or credibility findings. It set only a December 12, 2024 GAL-status date; it did not set an evidentiary hearing at which petitioner could contest whether continued total separation remained necessary. App. 34a.

Petitioner does not contend here that the circuit court lacked subject-matter or personal jurisdiction. Nor does she ask this Court to prohibit immediate protective action when a child faces a genuine emergency. The question is whether an order imposing complete separation may remain operative for months without the prompt, meaningful hearing that normally must follow emergency action.

**C. No prompt adversarial merits hearing occurred while the no-contact order controlled the relationship**

The no-contact order remained fully operative. On January 16, 2025, more than two months after the separation began, the circuit court set trial for July 22-24, 2025. App. 10a. The scheduling order allowed petitioner time to respond and set discovery and disclosure deadlines, but it did not provide a prompt evidentiary hearing on whether complete no-contact restrictions remained necessary.

On March 6, 2025, after almost four months without contact, petitioner moved to reinstate parenting time. App. 11a. The court set that motion for a May 8, 2025 summary hearing, but the hearing was struck when petitioner's counsel withdrew that morning, and the motion was not adjudicated. App. 11a–12a. Thus the no-contact order continued without an adversarial ruling on its necessity.

The appellee's brief emphasized that petitioner did not move to vacate the emergency order within 30 days and that she did not appear on November 12, 2024, despite notice. The Illinois Appellate Court held that petitioner's August 14, 2025 notice of appeal was timely from the final order and that the appeal properly drew the interlocutory order into review. App. 16a–17a. And once an emergency has justified action first, the State's duty to provide prompt post-deprivation process

does not depend on a parent having attended a hearing that occurred before meaningful notice was practicable.

**D. The July 2025 trial produced serious findings and a near-total final restriction**

Trial occurred on July 22 and 23, 2025, approximately eight months (*252 days*) after all contact ceased. The guardian ad litem and respondent testified. Petitioner, then self-represented, cross-examined both witnesses at length but declined to testify. Petitioner moved to continue trial to address preparation and disclosure issues, but the motion was denied. App. 14a–15a. The circuit court enforced its disclosure ruling by barring witnesses and exhibits it found had not been timely disclosed. App. 15a.

The July 2025 trial later produced serious adverse findings. The circuit court expressly stated that it did not find that petitioner had physically abused L.H., but characterized what it found to be repeated examinations and investigations as tantamount to abuse and found that petitioner's conduct seriously endangered the child or significantly impaired the child's emotional development. App. 42a–44a. The court also considered the Illinois statutory factors and the child's reported wish not to see petitioner, while stating that it believed the child would want a relationship with petitioner if further investigations ceased. App. 44a–45a.

The final order awarded respondent sole decisionmaking, including over education and religion, and barred petitioner from medical appointments, school and extracurricular events, and the child's records. It permitted only two monitored electronic contacts per week, each no longer than ten minutes, and no other

parenting time; respondent was authorized to terminate a call if the communication became inappropriate for the child. As a prerequisite to seeking modification, petitioner was required to undergo a psychological evaluation with a court-approved provider and provide that evaluator with the July 22–23, 2025 trial transcripts and GAL reports. App. 31a–32a, 47a–48a.

This petition does not ask the Court to retry those factual findings. The distinction is temporal and constitutional: findings made after a July trial do not establish that complete separation was properly continued, without an adversarial determination, throughout the preceding eight months.

**E. The appellate court held that the final trial made the federal claim unreviewable**

Petitioner timely appealed. The appellee sought dismissal and asked the court to strike petitioner’s opening brief for insufficient record citations and lack of cohesion. The appellate court rejected both requests. It held that the July 24, 2025 order was final, that the appeal was timely, and that the court could discern and decide petitioner’s claims. App. 16a–18a.

The appellate court expressly identified one core issue as whether “the court’s handling of the emergency proceedings in November 2024 violated due process.” App. 18a. It recounted the 49-minute notice, the absence of an evidentiary hearing, and petitioner’s claim that she had no chance to object, present evidence, or cross-examine witnesses. App. 21a–22a.

Although the opinion’s introductory “Held” statement said that the emergency proceedings “complied with due process,” App. 2a, the court ultimately stated that,

because the November 2024 order had been superseded and vacatur would provide no effective relief, it “need not address” petitioner’s statutory or constitutional challenges. App. 22a–23a. The court therefore did not determine whether the approximately eight-month delay in providing an adversarial hearing satisfied federal due process. It relied on state temporary-order doctrine, reasoning that a final order presumptively adjusts for inequity in a temporary order. App. 22a.

The practical rule is automatic cure by supersession: once the final hearing occurs, the completed interim deprivation becomes unreviewable regardless of how long it lasted. The appellate court affirmed the final judgment. App. 29a. Rehearing and discretionary review were denied. App. 49a, 30a.

The federal question was timely preserved. Petitioner’s opening brief expressly raised procedural and substantive due process and challenged the November 2024 no-contact order for lack of constitutionally adequate notice and hearing. Appellant Opening Br. 10, 36–38. Her reply argued that a later best-interests determination could not retroactively cure the absence of timely process and identified less restrictive interim alternatives. Appellant Reply Br. 8–12. She renewed those theories in her petition for rehearing at 5–11 and in her petition for leave to appeal to the Supreme Court of Illinois at 2–9. The appellate court expressly identified the November 2024 emergency-proceedings due-process issue and disposed of it on supersession and mootness grounds. App. 18a, 21a–24a. See Sup. Ct. R. 14.1(g)(i).

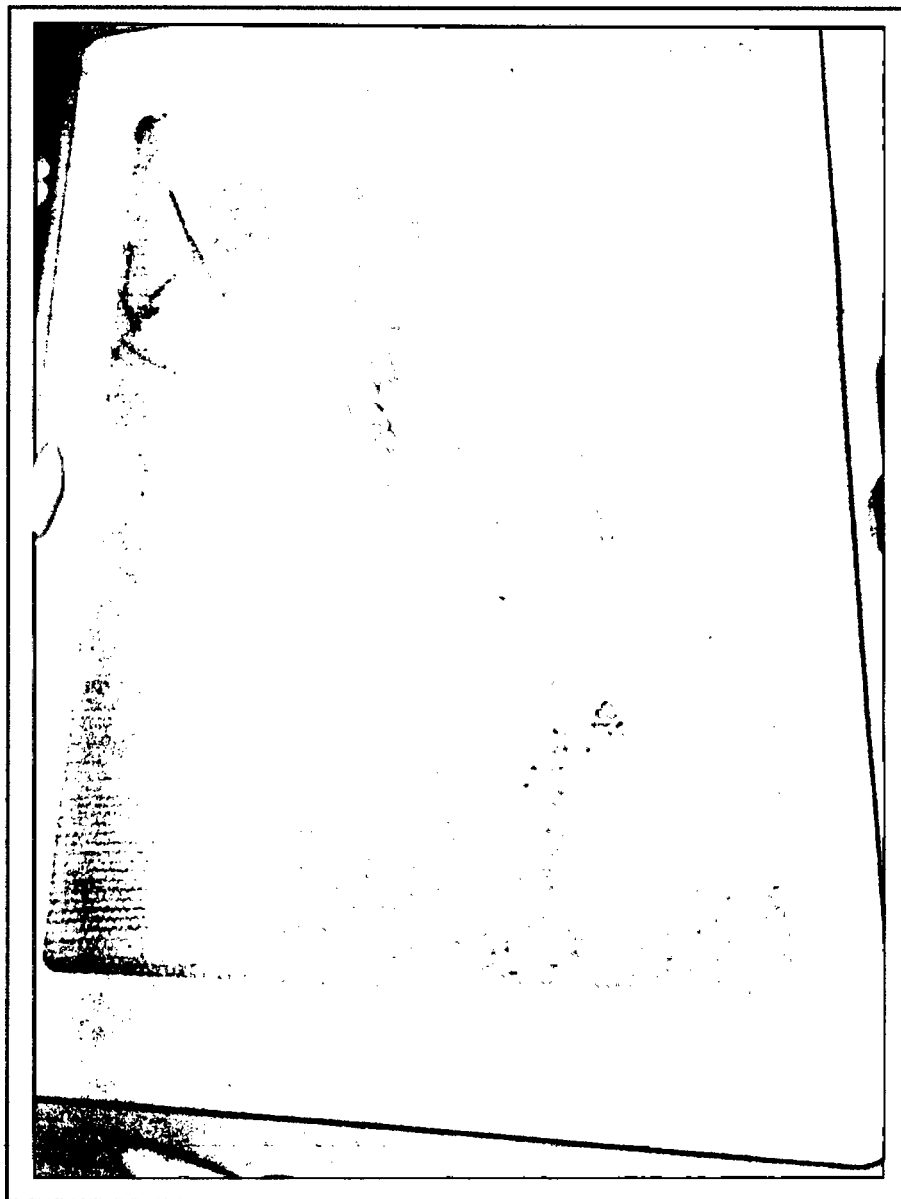
## REASONS FOR GRANTING THE PETITION

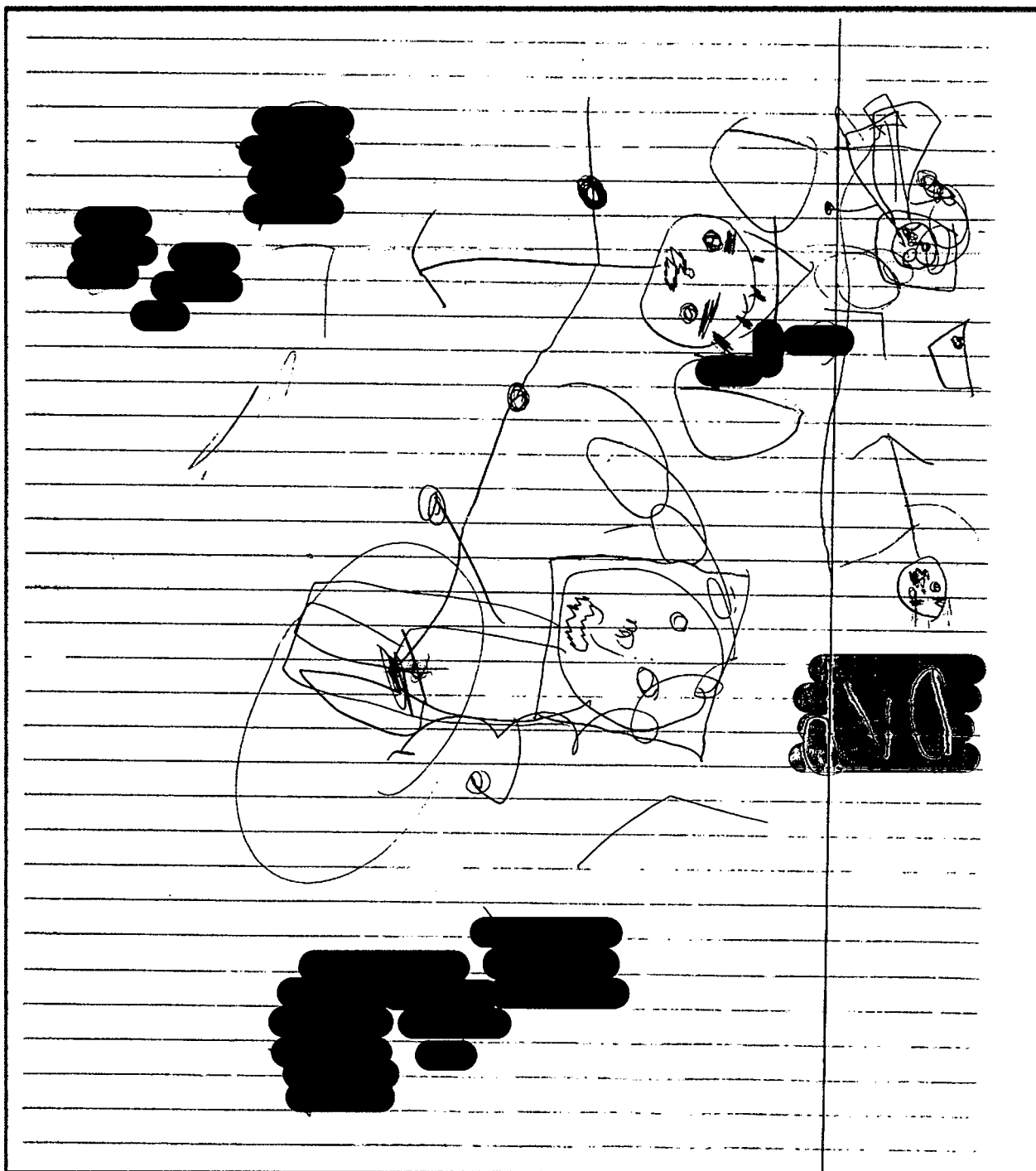
The decision below creates a constitutional review trap. Emergency process may serve as a bridge to a prompt hearing; it cannot become a substitute for one. The constitutional defect here is not that the court acted first in an alleged emergency, but that petitioner did not receive a meaningful adversarial determination for approximately eight months while complete parent-child separation remained in force. Forty-nine minutes of notice preceded that separation, and no prompt evidentiary hearing tested whether continued no-contact remained necessary. When a merits hearing finally occurred, the appellate court treated that later proceeding as eliminating any effective remedy for the completed deprivation. That rule conflicts with this Court's due-process precedents and with decisions recognizing prompt post-deprivation review as an independent constitutional requirement. The question is recurring, important, and likely to evade review unless this Court intervenes.

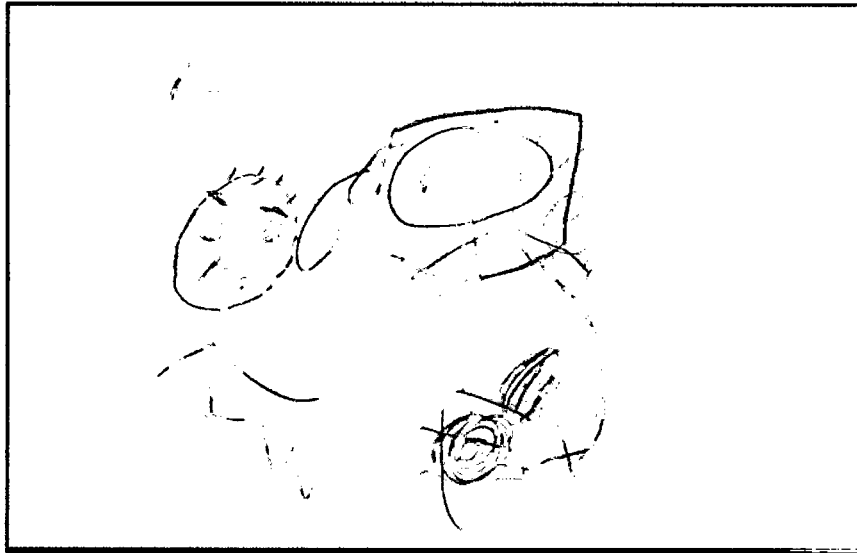
The broader child-safety implications reinforce the importance of that question. Congress has found that courts regularly discount allegations of child physical and sexual abuse raised in custody proceedings and that alleged or known abusive parents are often awarded custody or unprotected parenting time; approximately one-third of parents alleged to have committed child abuse obtained primary custody from the protective parent who reported the abuse. Congress further identified more than 100 documented child murders occurring after courts ordered contact with a dangerous parent over the objection of a safe parent or

caregiver. *Keeping Children Safe from Family Violence Act*, Pub. L. No. 117-103, div. W, tit. XV, § 1502(6)–(8), 136 Stat. 951–52 (2022).

Those concerns are not abstract here. This was not merely petitioner repeating allegations attributed to her child. In 2022, L.H.'s court-designated therapist contemporaneously documented a disclosure by L.H. concerning alleged sexual abuse.







\*\*\*\*\*

**Deborah L. Conley, LCSW**  
**825 W. State Street, Suite 117E**  
**Geneva, IL 60134**

Phone: (847) 261-2911    www.dconleytherapy.com

**PROGRESS NOTES**

12-5-22

Jennifer Dixon, 11 years brought to session today at my request.

Met with Jennifer yesterday (Sunday).

Met with Jennifer & [redacted] together for 1st 30 minutes.

Time was probably close to 20 min.

Jennifer talked about the bathroom. They were in the bathroom approx. 10 min. Jennifer is a girl.

Jennifer made 2 comments to Jennifer without to her on the Ebb.

I asked [redacted] general questions about school, upcoming holiday. [redacted] would whisper to mom what they had done.

[redacted] was fairly close to mom.

Jennifer talked to [redacted] for second half of session.

[redacted] played with American (girl) dolls here.

[redacted] brought out the pictures Jennifer brought up stories of drawings [redacted] made.

[redacted] looked at [redacted] I had them.

I asked [redacted] if she knew who made these drawings. She said "me". I asked her where she drew the pictures. She said "in mom's car".

I asked [redacted] what the pictures were? [redacted] replied "It's a picture of me & dad".

[redacted] was who and what was happening in the picture.

[redacted] said "I'm lying on the bed and daddy is peeing my pee-pee".

[redacted] what he peed her pee pee with.

[redacted] one word "his hand".

The therapist's later communication to DCFS did not convey the substance of that disclosure and the related drawings with the same specificity, and the matter was treated as "information only." Then, in 2024, before the emergency order that transferred possession of L.H. and eliminated petitioner's contact, hospital records separately documented L.H.'s report of physical abuse along with serious contemporaneous mental-health concerns.

Thus, the safety concerns petitioner was attempting to address did not arise from a single accusation or solely from petitioner's characterization of what the child had said; they included disclosures documented at different times by independent professionals.

|                                                                                                                                                                                                                                                                      |                                                                                                |                                                                                           |                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                   | <b>Advocate Health Care</b>                                                                    | ADVOCATE CHILDRENS<br>HOSPITAL PARK RIDGE<br>1675 DEMPSTER ST<br>PARK RIDGE IL 60068-1110 | H [REDACTED], L [REDACTED]<br>MRN: 7476270, DOB: [REDACTED] 2017, Legal Sex: F<br>Adm: 11/8/2024, D/C: 11/8/2024 |
|                                                                                                                                                                                                                                                                      | <b>11/08/2024 - Office Visit in ADVOCATE CHILDRENS PARK RIDGE FORENSIC NURSING (continued)</b> |                                                                                           |                                                                                                                  |
| <b>Clinical Notes (continued)</b>                                                                                                                                                                                                                                    |                                                                                                |                                                                                           |                                                                                                                  |
| <p>This RN and MD Madati spoke with pt without mom. Pt reports hitting herself. Pt reports she likes being at moms house but not dads. When asked why she reports that dad is mean and yells at her. Pt also reports that dad has hit her on her arms [REDACTED]</p> |                                                                                                |                                                                                           |                                                                                                                  |
| <p>Dad's information:<br/>Dan Hibbler<br/>[REDACTED]</p>                                                                                                                                                                                                             |                                                                                                |                                                                                           |                                                                                                                  |
| <p>Police report made with Park Ridge PD. #24-00032716 Alduino #185</p>                                                                                                                                                                                              |                                                                                                |                                                                                           |                                                                                                                  |
| <p>Pt is being evaluated for psych admission at this time.</p>                                                                                                                                                                                                       |                                                                                                |                                                                                           |                                                                                                                  |
| <p>Electronically signed by Pelz, Ashley, RN at 11/8/2024 6:06 AM</p>                                                                                                                                                                                                |                                                                                                |                                                                                           |                                                                                                                  |



**08/11/2022 - ED in CDH Emergency Medicine**

**Visit Information**

**Admission Information**

|                    |                 |                     |                          |                     |                           |
|--------------------|-----------------|---------------------|--------------------------|---------------------|---------------------------|
| Arrival Date/Time: | 08/11/2022 1658 | Admit Date/Time:    | 08/11/2022 1708          | IP Adm. Date/Time:  |                           |
| Admission Type:    | Emergency       | Point of Origin:    | From Home/work           | Admit Category:     |                           |
| Means of Arrival:  | Walked In       | Primary Service:    | Emergency Medicine       | Secondary Service:  | N/A                       |
| Transfer Source:   |                 | Service Area:       | NORTHWESTERN<br>MEDICINE | Unit:               | CDH Emergency<br>Medicine |
| Admit Provider:    |                 | Attending Provider: | Hang, Brian, MD          | Referring Provider: |                           |

**ED Disposition**

|                |           |                                   |                             |                                         |
|----------------|-----------|-----------------------------------|-----------------------------|-----------------------------------------|
| ED Disposition | Condition | User                              | Date/Time                   | Comment                                 |
| Discharge      | -         | Zielinski, Tresa<br>E., APRN, CNP | Thu Aug 11,<br>2022 8:03 PM | [REDACTED] discharge to home/self care. |

**Discharge Information**

|                            |                                |                |
|----------------------------|--------------------------------|----------------|
| Date/Time: 08/11/2022 2051 | Disposition: Home Or Self Care | Destination: - |
| Provider: -                | Unit: CDH Emergency Medicine   |                |

**Follow-up Information**

| Follow up With        | Specialties | Details | Why                    | Contact Info                                                         |
|-----------------------|-------------|---------|------------------------|----------------------------------------------------------------------|
| Nielsen, Diane C., MD | Pediatrics  | Call    | tomorrow for follow up | 2800 Keslinger Rd Ste<br>160<br>Geneva IL 60134-4200<br>630-232-7200 |

**Reason for Visit**

**Chief Complaints**

- Sexual Assault Exam Referral
- Urinary Frequency

**Visit Diagnosis**

| Name                              | Code     | Is ED? |
|-----------------------------------|----------|--------|
| Sexual assault of child (primary) | T74.22XA | Yes    |

**09/20/2022 - ED in CDH Emergency Medicine**

**Visit Information**

**Admission Information**

|                    |                 |                     |                                 |                     |                           |
|--------------------|-----------------|---------------------|---------------------------------|---------------------|---------------------------|
| Arrival Date/Time: | 09/20/2022 1520 | Admit Date/Time:    | 09/20/2022 1539                 | IP Adm. Date/Time:  |                           |
| Admission Type:    | Emergency       | Point of Origin:    | From Home/work                  | Admit Category:     |                           |
| Means of Arrival:  | Walked In       | Primary Service:    | Emergency Medicine              | Secondary Service:  | N/A                       |
| Transfer Source:   |                 | Service Area:       | NORTHWESTERN<br>MEDICINE        | Unit:               | CDH Emergency<br>Medicine |
| Admit Provider:    |                 | Attending Provider: | Fant, Colleen Diane,<br>MD, MPH | Referring Provider: |                           |

**ED Disposition**

|                |           |                                |                             |                                      |
|----------------|-----------|--------------------------------|-----------------------------|--------------------------------------|
| ED Disposition | Condition | User                           | Date/Time                   | Comment                              |
| Discharge      | -         | Hare, Melinda<br>J., APRN, CNP | Tue Sep 20,<br>2022 9:21 PM | [REDACTED] charge to home/self care. |

**Discharge Information**

|                            |                                |                   |
|----------------------------|--------------------------------|-------------------|
| Date/Time: 09/20/2022 2137 | Disposition: Home Or Self Care | Destination: Home |
| Provider: -                | Unit: CDH Emergency Medicine   |                   |

**Follow-up Information**

| Follow up With        | Specialties | Details   | Why                                                                                                                                                                                        | Contact Info                                                         |
|-----------------------|-------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Nielsen, Diane C., MD | Pediatrics  | In 2 days | Follow-up with your<br>pediatrician in 2 days to<br>be re-examined, and get<br>results of urine testing<br>done in ER. Follow<br>previously discussed plan<br>for follow-up visits as well | 2800 Keslinger Rd Ste<br>160<br>Geneva IL 60134-4200<br>630-232-7200 |

**Reason for Visit**

**Chief Complaint**

- Medical Problem (See RN note.)

**Visit Diagnosis**

| Name                              | Code     | Is ED? |
|-----------------------------------|----------|--------|
| Sexual assault of child (primary) | T74.22XA | Yes    |

Review of Systems.

Constitutional: Positive for appetite change. Negative for activity change, fatigue and fever.

HENT: Negative for congestion, ear pain, facial swelling, nosebleeds, rhinorrhea, sore throat and trouble swallowing.

Eyes: Negative for pain, discharge and redness.

Respiratory: Negative for cough and shortness of breath.

Cardiovascular: Negative for chest pain.

Gastrointestinal: Positive for abdominal pain. Negative for anal bleeding, blood in stool, constipation, diarrhea, nausea, rectal pain and vomiting.

Genitourinary: Positive for dysuria and frequency. Negative for decreased urine volume, difficulty urinating, flank pain, genital sores, hematuria, vaginal bleeding and vaginal discharge.

Printed on 7/24/23 10:04 AM

Page 40



CDH Emergency Medicine  
25 N WINFIELD RD  
WINFIELD IL 60190-1295

H [REDACTED]  
MRN: 111011486795, DOB: [REDACTED]/2017, Sex: F  
Adm: 9/20/2022, D/C: 9/20/2022

09/20/2022 - ED in CDH Emergency Medicine (continued)

ED Provider Note (continued)

Musculoskeletal: Negative for arthralgias, back pain, gait problem, joint swelling and neck pain.

Skin: Positive for wound.

Allergic/Immunologic: Negative for environmental allergies and food allergies.

Neurological: Negative for dizziness, syncope, weakness and headaches.

Psychiatric/Behavioral: Positive for behavioral problems. Negative for self-injury and sleep disturbance. The patient is not nervous/anxious.



Referral

NM Pediatrics  
2800 Kestinger Rd Ste 160  
Geneva IL 60134-3753  
Phone: 630-232-7200  
Fax: 630-232-2288

Patient:

[REDACTED]

MRN: 111011486795  
DOB: [REDACTED]/2017  
Sex: F  
PCP: Nielsen, Diane C.

Responsible Party / Guarantor  
Information:

BARRON, JENNIFER A

Relationship to Pt: Mother  
Employer Name:

Order Date: Oct 4, 2022 1:46 PM

PEDIATRICS REFERRAL (Order ID: 1600937825)

Procedure ID: REF441

Diagnosis: Dysuria (R30.0)

Behavior problem in child (R45.89)

Reason for Referral? Consult and Treat

Referred by: Nielsen, Diane C., MD

Referral to Specialty: Pediatrics

Visits Requested: 1

Referral Expiration Date:  
10/4/2023

Expected by: 10/4/2022

Scheduling Instructions: Lurie's Safety and Well-Being Clinic  
1-800-KIDS DOC

Reason for Referral? follow up after sexual assault

Electronically signed by:

[Signature]

Nielsen, Diane C., MD (NP: 1134128449)  
Authorizing Physician: Nielsen, Diane C., MD  
Ordering User: Nielsen, Diane C., MD

The consequence was extraordinary. Petitioner, who maintained that she was responding to L.H.'s reported abuse and safety concerns, was completely separated from her child, while L.H. remained in the care of respondent, the parent she had identified in those disclosures, without any prompt adversarial proceeding at which the disclosures, the competing allegations, and the pertinent evidence could be fully tested. The allegations and L.H.'s disclosures were repeatedly raised during the history of these proceedings, yet petitioner remained subject to complete no-contact for approximately eight months before a full merits trial occurred.

Petitioner includes the pertinent record material not to ask this Court to determine whether abuse occurred, but to demonstrate what was at stake when the State imposed and maintained complete separation without prompt adversarial review. A child's documented disclosures to independent professionals cannot simply disappear from the procedural calculus while the parent seeking protection is deprived of all contact for months without a meaningful hearing. Those documented disclosures underscore why prompt adversarial testing of the competing allegations mattered. Whether the allegations ultimately were substantiated or rejected, due process required a meaningful opportunity to test the competing claims at a meaningful time. These circumstances illustrate the danger Congress identified and reinforce the need for a constitutional rule requiring prompt adversarial review before an emergency custody restriction becomes a prolonged and effectively unreviewable deprivation.

## **I. LOWER COURTS CONFLICT OVER PROMPT POST-DEPRIVATION REVIEW AND WHETHER A LATER MERITS HEARING EXTINGUISHES THE CLAIM**

### **A. This Court requires prompt process when emergency conditions postpone a hearing**

A parent's interest in the care, custody, and companionship of a child is a fundamental liberty interest. *Troxel v. Granville*, 530 U.S. 57, 65–66 (2000) (plurality opinion); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972). It is a “commanding” interest. *Lassiter v. Department of Social Services*, 452 U.S. 18, 27 (1981).

Ordinarily, due process requires notice and an opportunity to be heard before an adjudicative deprivation becomes effective. *Fuentes v. Shevin*, 407 U.S. 67, 80–82 (1972). Emergency circumstances can justify immediate action. But an emergency postpones process; it does not extinguish it. See *Smith v. Organization of Foster Families for Equality & Reform*, 431 U.S. 816, 848–49 (1977). The resulting hearing must occur at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

This Court has repeatedly treated promptness as part of the constitutional right. An emergency suspension may be permissible, yet due process is violated when the State provides no sufficiently prompt mechanism for deciding whether the deprivation should continue. *Barry v. Barchi*, 443 U.S. 55, 64–66 (1979). A later hearing does not erase an earlier denial where the original lack of process changed the parties' position. *Armstrong v. Manzo*, 380 U.S. 545, 551–52 (1965); *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80, 84–87 (1988). *Loudermill* separately

recognizes that, “[a]t some point,” delay in post-deprivation process itself becomes a constitutional violation. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 547 (1985).

**B. Courts treat promptness as an independent constitutional requirement**

Lower courts agree that genuine emergencies may permit immediate protective action. They do not agree, however, on whether the constitutional injury from delayed post-deprivation review remains independently reviewable once a later merits proceeding occurs.

Several courts treat promptness itself as constitutionally indispensable. The Third Circuit held a 40-day delay unconstitutional and explained that a post-removal delay ordinarily should be measured in hours or days, not weeks. *B.S. v. Somerset County*, 704 F.3d 250, 272 & n.31 (3d Cir. 2013). The Eighth Circuit held that 17 days was too long even for a noncustodial father whose two-week visit had been cut short. *Swipies v. Kofka*, 419 F.3d 709, 715 (8th Cir. 2005). The Seventh Circuit likewise recognizes that when emergency circumstances permit action without a predeprivation hearing, post-deprivation review must be ‘prompt and fair.’ *Brokaw v. Mercer County*, 235 F.3d 1000, 1020–21 (7th Cir. 2000).

State courts apply the same principle in domestic and juvenile matters. The Nebraska Supreme Court vacated a protective-custody order because more than eight months elapsed between an ex parte removal and the protective-custody order, even though the hearing began on day 16 and continued over multiple dates. *In re Interest of Carmelo G.*, 296 Neb. 805, 814–17, 896 N.W.2d 902, 908–10 (2017). And

in a domestic-relations case, the Alabama Court of Civil Appeals held that a parent deprived through an ex parte custody order must receive notice and an opportunity to be heard “as expeditiously as possible”—“certainly sooner than 10 weeks”—and emphasized that a hearing should occur as close to 72 hours as practicable. *Ex parte Couey*, 110 So. 3d 378, 381 & n.2 (Ala. Civ. App. 2012).

Those decisions recognize that the constitutional question concerns the period before a meaningful hearing. A later merits determination may govern future custody, but it does not answer whether the State supplied process at a meaningful time while the emergency deprivation remained in force.

**C. Other courts, including the court below, treat a later final hearing as extinguishing the challenge**

The Illinois appellate court took a materially different approach. It did not ask whether approximately eight months was prompt under *Mathews* and *Barry*. Instead, because the final order superseded the temporary order, it held that vacating the temporary order could afford no effective relief and therefore declined to address the challenge. App. 22a–23a. Indiana and Maryland decisions likewise treat a later final custody determination as mooted challenges to the process surrounding an earlier temporary order. *Stratton v. Stratton*, 834 N.E.2d 1146, 1149 (Ind. Ct. App. 2005); *Krebs v. Krebs*, 960 A.2d 637, 641 (Md. Ct. Spec. App. 2008).

The conflict is consequential. Under *B.S.*, *Swipies*, *Brokaw*, and *Carmelo G.*, a reviewing court asks whether the parent received sufficiently prompt process after emergency action. Under the rule applied below, that timing question disappears once the eventual merits judgment arrives. The longer an interim order remains in

place, the greater the completed deprivation, yet the later judgment becomes the reason the deprivation receives no review.

The conflict is especially stark here. Petitioner did not retain limited visits while she waited. The November order barred every form of contact. Her motion to reinstate parenting time was set months later and never adjudicated. The first full adversarial merits determination occurred approximately eight months after separation began. The decision below supplied no federal measure for that delay because it treated the eventual trial as ending the inquiry.

## **II. THE RULE BELOW MAKES PROLONGED EMERGENCY DEPRIVATIONS EFFECTIVELY UNREVIEWABLE**

Emergency parenting orders are common and necessarily fast. Their speed serves an essential purpose when a child faces imminent danger. But the combination of immediate effect, temporary status, and delayed appellate review also creates a predictable constitutional blind spot.

The decision below illustrates the problem. Illinois treats an appeal from the final judgment as encompassing the interlocutory emergency order. App. 17a. Yet when petitioner followed that route, the court held the emergency order superseded and the due-process issue moot. App. 23a. Immediate review was unavailable as of right because the order was temporary; review after final judgment came too late because the order was no longer temporary. A federal right should not disappear inside that procedural loop.

The problem is structural, not confined to Illinois. Temporary custody and parenting orders often expire or merge into later judgments before ordinary

appellate review can occur. If supersession itself makes the completed deprivation unreviewable, the most severe emergency restrictions can escape federal review precisely because they remained in force until trial.

This Court applied the capable-of-repetition-yet-evading-review doctrine in *Turner v. Rogers*, a family-law case involving a short-term civil-contempt order that was likely to expire before appellate review could be completed. 564 U.S. 431, 439–41 (2011). The concern is concrete here. The parties’ history includes repeated emergency motions, temporary restrictions, and continuing proceedings over the same parent-child relationship. The final order remains modifiable, and the trial judge itself anticipated future proceedings. App. 47a–48a.

The question also matters independently of the initial custody allocation. Time is not neutral in a child’s life. A months-long bar on all communication is itself a profound deprivation, even if a later court ultimately finds restrictions warranted. It may also shape the evidence at the final hearing: a child’s wishes, the perceived stability of the interim arrangement, and the court’s concern about disrupting the new status quo. Meaningful review therefore must test the process when the separation occurs, not merely ask whether a final order was eventually entered.

### **III. THE DECISION BELOW CONFLICTS WITH THIS COURT’S DUE-PROCESS PRECEDENTS**

#### **A. Emergency authority did not eliminate the duty to provide a prompt hearing**

Respondent’s allegations supplied a serious basis for immediate judicial attention. The State’s interest in protecting a child from suspected harm is

compelling. Nothing in the question presented disables a court from acting before a full hearing when delay itself would endanger a child.

But the same emergency that permits action first makes prompt review more important. The November order did not preserve supervised visits, limited electronic communication, or another narrower form of contact. It imposed complete separation indefinitely. The only date written into the order was a later GAL-status date; no evidentiary hearing was scheduled to test whether total separation should continue. App. 33a–34a.

Under *Mathews*, all three factors weigh strongly in favor of prompt review. First, the private interest is the fundamental parent-child relationship. Second, the risk of error is substantial when a court acts on a one-sided emergency presentation involving disputed family history and medical events. A short adversarial hearing can expose factual disputes, permit cross-examination, and allow consideration of supervised or therapeutic alternatives. Third, the State's administrative interests do not explain a delay of approximately eight months before a full adversarial determination of whether complete separation remained necessary. Courts already conduct expedited hearings in child-protection matters, and respondent identified no feature of this case that made a prompt hearing infeasible.

**B. The July trial could govern future restrictions but could not erase the completed separation**

The appellate court's automatic-cure premise cannot be reconciled with *Armstrong*. There, a later hearing did not remove a due-process violation because the initial denial altered the burden and practical posture of the dispute. 380 U.S.

at 551–52. *Peralta* likewise rejected the theory that a later showing about the merits could excuse defective process at the outset. 485 U.S. at 84–87. *Loudermill* likewise recognizes that delay itself can become a distinct constitutional violation when post-deprivation process is not provided at a meaningful time. 470 U.S. at 547.

So too here. The July trial could determine what restrictions should govern after July 24, 2025. It could not return the eight months in which petitioner and L.H. had no contact. Nor could it recreate the circumstances that existed before the relationship was interrupted. The constitutional injury alleged is not merely that the final outcome was wrong; it is that complete separation continued for months before a meaningful hearing determined whether continued separation was warranted.

The appellate court's presumption that the final order adjusted every interim inequity also lacks a record foundation. The final written order did not address the timing of post-deprivation process or purport to remedy the completed period. App. 31a–32a. The oral findings addressed serious endangerment and future restrictions after trial. App. 42a–48a. They did not find that eight months without a hearing was necessary, much less explain how a later judgment compensated for that time.

**C. Narrow relief is available without disturbing the State's protective role**

Petitioner does not seek an order from this Court immediately awarding custody, reinstating an order of protection, declaring state judges liable, or

reweighing the trial evidence. Those requests would exceed the proper scope of certiorari review and distract from the preserved federal question.

The appropriate disposition is to vacate the judgment below and remand for application of the correct due-process standard and for determination of the appropriate relief flowing from any constitutional violation, including its effect on orders entered during or following the challenged deprivation. The state courts can then determine, on the existing record and any proceedings they deem appropriate, whether the timing and procedures following November 12, 2024 satisfied the Constitution and what relief is available in light of the operative final order and present circumstances. That remedy respects both the State's child-protection authority and the federal rule that emergency deprivations must receive meaningful, timely review.

#### **IV. THE RELIGIOUS-UPBRINGING AND COMMUNICATION BURDENS CONFIRM THE NEED FOR PROMPT, NARROWLY TAILORED PROCESS**

##### **A. The orders burdened parental religious instruction and parent-child communication**

The deprivation reached beyond physical custody. The 2018 allocation judgment assigned significant educational and religious decisions jointly and expressly provided that L.H. would continue to be reared in the Christian faith. App. 50a–51a. The November emergency order then transferred sole decisionmaking to respondent and prohibited every form of contact. App. 33a–34a. The final order continued the displacement by awarding respondent sole authority over education and religion, excluding petitioner from school events and records, and limiting

mother-child communication to two monitored ten-minute electronic contacts each week. App. 31a–32a, 46a–48a.

This Court has long recognized parents' right to direct the religious upbringing of their children. *Wisconsin v. Yoder*, 406 U.S. 205, 213–14, 232–34 (1972). *Mahmoud v. Taylor* reaffirmed that principle and held that strict scrutiny applies when government action imposes a burden of the same character as the one recognized in *Yoder*. 606 U.S. 522, 558, 564–65 (2025). The First Amendment protections discussed here constrain state action through the Fourteenth Amendment and reinforce, rather than replace, the procedural-due-process question presented. The First Amendment also protects the communication through which a parent conveys religious, moral, and educational instruction, while the family is a paradigmatic intimate association entitled to constitutional shelter. See *Roberts v. United States Jaycees*, 468 U.S. 609, 617–20 (1984).

The existing record establishes an agreed Christian upbringing and the later transfer of religious and educational authority; it does not establish that petitioner sought a particular Christian school and was denied one. Petitioner therefore does not ask this Court to decide a school-placement dispute or to adjudicate an independent Free Exercise claim in the first instance. These overlapping interests instead demonstrate the constitutional magnitude of an order that foreclosed all contact while the parties awaited an adversarial hearing.

**B. The overlapping burdens magnify the irreparable injury and the need to consider narrower alternatives**

A later hearing cannot restore the prayers, instruction, conversations, and ordinary companionship that complete separation prevented. In the First Amendment context, this Court has recognized that the loss of protected freedoms even for brief periods constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion). That principle does not itself establish the procedural standard for a custody order, but it confirms why elapsed parent-child time cannot be treated as a bookkeeping error erased by a later judgment.

Nor does petitioner contend that every custody allocation triggers strict scrutiny. Justice Thomas has separately stated that he 'would apply strict scrutiny to infringements of fundamental rights,' including the fundamental parental right recognized in *Troxel*. 530 U.S. at 80 (Thomas, J., concurring in the judgment). This petition need not ask the Court to resolve that broader standard-of-review question. The narrower point is sufficient: no adversarial merits review, heightened or otherwise, tested the necessity of complete separation while that emergency deprivation remained in force. When two parents disagree, a court may have to allocate authority, and the State has a compelling interest in protecting a child from demonstrated harm. But before complete exclusion continues for months, prompt adversarial process must test both the asserted danger and whether supervised contact, therapeutic contact, neutral monitoring, defined communication conditions, or another materially less restrictive protection can safeguard the child.

## **V. THIS CASE CLEANLY PRESENTS THE QUESTION FOR REVIEW**

### **A. The federal question was repeatedly presented and expressly identified below**

Rule 14.1(g)(i) is satisfied for the reasons set out in the Statement of the Case. Petitioner repeatedly raised the lack of constitutionally adequate notice and prompt hearing in the Illinois reviewing courts, and the appellate court expressly identified the federal due-process issue before holding that supersession left no effective relief. App. 18a, 21a–23a.

The appellate court did not overlook the issue. It expressly identified “whether the court’s handling of the emergency proceedings in November 2024 violated due process” as a core issue. App. 18a. It then recited the asserted lack of meaningful notice and hearing, App. 21a–22a, and held that the final trial made the challenge moot, App. 23a. The federal question was therefore both presented and passed on.

### **B. The court below rejected the appellee’s global procedural objections**

The appellee’s brief argued that the appeal was untimely and that petitioner’s opening brief should be stricken under Illinois Supreme Court Rule 341. The appellate court rejected both requests. It held the notice of appeal timely, held that the final judgment drew the emergency order into review, and declined to strike the brief because it could discern the claims and address the merits. App. 16a–18a.

The court did invoke forfeiture for a different theory: that procedural defects made the orders “voidable” under Illinois law rather than void for lack of jurisdiction. App. 20a–21a. That state-law forfeiture ruling is not the ground on

which the court disposed of the independently identified federal due-process claim. The court disposed of that claim on supersession and mootness. App. 21a–23a.

**C. The judgment rests on a federal-remedial premise this Court can review**

Although the court used Illinois mootness terminology, its conclusion depended on the premise that a later final hearing necessarily cured the completed federal deprivation and left no effective relief. App. 22a–23a. That premise is interwoven with the content and remedy of the federal right. If *Armstrong* and its progeny foreclose automatic cure, then vacatur and remand are effective relief. The state-law label does not insulate the antecedent federal determination.

The final order also remains operative. It preserves only tightly limited electronic contact and conditions any modification request on a psychological evaluation. App. 31a–32a. Petitioner’s contention that the interim deprivation shaped the circumstances and record underlying that order presents a concrete controversy. A remand for proceedings untainted by an erroneous automatic-cure rule would have practical legal effect.

**D. The Court need not decide disputed facts or the constitutionality of the final restrictions**

Respondent will emphasize the trial court’s serious findings, petitioner’s failure to meet disclosure deadlines, her decision not to testify, and the parties’ disputed history concerning medical care and allegations of abuse. Those matters bear on whether emergency protection was justified and on the validity of the final order.

They do not answer how soon a meaningful hearing was constitutionally required after all contact was barred.

The petition therefore presents a legal timing question on an undisputed procedural chronology: complete no contact beginning November 12, 2024, a July 2025 trial date set in January 2025, an unadjudicated motion filed in March 2025 seeking reinstatement that did not result in interim restoration or modification before trial, and the first full merits hearing in late July 2025. Review would not require the Court to resolve who was more credible, whether the ultimate serious-endangerment finding was correct, or whether any particular parenting schedule is now appropriate.

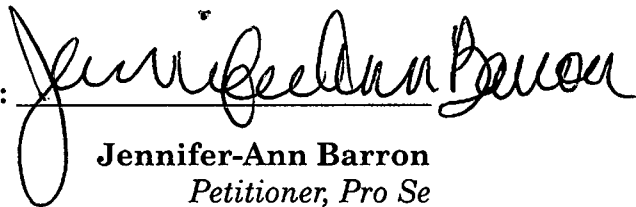
For the same reason, the Court need not decide whether the final restrictions independently violate the Free Exercise or Free Speech Clauses. The religious-upbringing and communication burdens confirm the gravity and irreparability of the interim deprivation; the question presented remains whether the State supplied constitutionally timely process before that deprivation continued for approximately eight months.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

By:



**Jennifer-Ann Barron**  
*Petitioner, Pro Se*  
931 S. 3rd Street  
Saint Charles, IL 60174

(805) 710-5273  
jen.barron17@gmail.com