

No. 26-5750

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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Amey E. Adkins,

Petitioner,

V.

Timothy L. Adkins AND The Department of Child Support Services,

Respondents.

**On Petition for a Writ of Certiorari to the
Supreme Court of California**

PETITION FOR A WRIT OF CERTIORARI

Amey E. Adkins, *Petitioner Pro Se*

503 Cranberry Lane

El Dorado Hills, CA 95762

i. QUESTIONS PRESENTED

1. Whether California Family Code § 3170's mandatory, closed-door custody mediation scheme, which delegates judicial fact-finding to non-judicial county mediators and forecloses meaningful appellate review, violates the Due Process Clause of the Fourteenth Amendment.
2. Whether a state court violates the Due Process Clause of the Fourteenth Amendment when an unresolved discovery motion pending in one department is permitted to indefinitely forestall a statutorily mandated child-support hearing in another, while enforcement continues against an indigent, self-represented litigant.
3. Whether a state appellate court violates the Due Process Clause of the Fourteenth Amendment by summarily dismissing a timely appeal sua sponte without affording the disability accommodations and statutory supplemental briefing due an indigent, disabled litigant.
4. Whether a state's unnoticed destruction of the trial record, combined with denial of a verbatim transcript to an indigent litigant, constitutes a structural due process defect under *Mullane v. Central Hanover Bank & Trust Co.* that forecloses meaningful appellate review.
5. Whether a trial judge violates the Fourteenth Amendment's guarantee of a neutral and impartial tribunal by applying an inconsistent evidentiary standard that denied a self-represented litigant the opportunity to present evidence, as reflected in the judge's own admission on the record.

ii. LIST OF PARTIES

- **AMEY E. ADKINS:** Respondent below, Appellant below, and Petitioner before this Court.
- **TIMOTHY L. ADKINS:** Petitioner below, Appellee below, and Respondent before this Court.
- **DEPARTMENT OF CHILD SUPPORT SERVICES:** Petitioner below, Appellee below, and Respondent before this Court.

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I. OPINIONS BELOW

The summary order of the California Supreme Court denying the Petition for Review is un-reported and attached in the Appendix at App. 1a. The orders of the California Court of Appeal, Third Appellate District, are un-reported and attached as follows: its order denying leave to redesignate or augment the record (11/18/2025) is attached at App. 3a; its order granting only a partial extension of time (12/11/2025) is attached at App. 4b; its order dismissing the appeal as untimely (02/09/2026) is attached at App. 2a; its order treating Petitioner's motion to vacate as a petition for rehearing, and denying it (03/11/2026), is attached at App. 2a (cont.); and its order dismissing the appeal, C100141 (03/16/2026), is attached at App. 4d. The relevant orders and minute orders of the Superior Court of California, County of El Dorado, are un-reported and attached at App. 5a and App. 5b.

II. STATEMENT OF JURISDICTION

Petitioner invokes the jurisdiction of this Court under **28 U.S.C. § 1257(a)**, which grants this Court exclusive authority to review final judgments rendered by the highest court of a State where the validity of state procedures is drawn in question on the ground of being repugnant to the Constitution, treaties, or laws of the United States.

An opposing brief may attempt to construct an interlocutory trap by arguing that state custody and child support orders are inherently non-final and modifiable based on an ongoing "change of circumstances." This argument mischaracterizes the structural constitutional injuries presented by this petition. Petitioner does not seek the mere error-correction of modifiable financial mathematics. The summary dismissal executed by the California Court of Appeal, Third Appellate District, combined with the state trial court clerk's unauthorized, un-notified physical destruction of the underlying trial exhibits, constitutes a **final, absolute, and irreversible constitutional act. (App. 15a.)**

Nor does she ask this Court to reweigh disputed facts or correct a misapplied support calculation — the precise category of claim this Court's Rule 10 cautions is "rarely granted." She instead challenges the structural absence of any process at all: a summary appellate dismissal entered without the mandatory supplemental briefing Government Code § 68081 requires, and a trial record destroyed before any appellate court ever reviewed it.

While a local family court retains jurisdiction to adjust ongoing support metrics, it possesses zero legal authority to restore a shredded trial record or reverse an unbriefed appellate dismissal. The state court system has executed a permanent deprivation of Petitioner's property and liberty interests that can never be modified or undone by an inferior family law commissioner. Because the California Supreme Court issued a final order summarily denying Petitioner's Petition for

Review on **April 22, 2026**, all available state remedies have been fully and permanently exhausted, anchoring this Court's absolute jurisdiction under Rule 13.1.

The statutory ninety (90)-day jurisdictional window under Rule 13.1 elapsed exactly on Wednesday, July 22, 2026. Because this petition is deposited with the United States Postal Service via certified mail on **July 21, 2026**, which is exactly eighty-nine (89) calendar days from the state court's final order of denial, this petition is timely filed, and this Court possesses proper and complete jurisdiction to review the federal constitutional issues presented.

III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1 (Due Process Clause) 1, 10, 25, 26, 35

The Fourteenth Amendment to the United States Constitution provides, in pertinent part:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws."

California Family Code § 3170 1, 10, 25, 29

The state statute establishing the mandatory mediation scheme challenged in this petition provides:

"(a) If it appears on the face of a petition, application, or other pleading to obtain or modify a temporary or permanent custody or visitation order that custody, visitation, or both are contested, the court shall set the contested issues for mediation.

(b) Domestic violence cases shall be handled by Family Court Services in accordance with a separate written protocol approved by the Judicial Council. The Judicial Council shall adopt guidelines for services, other than services provided under this chapter, that courts or counties may offer to parents who have been unable to resolve their disputes. These services may include, but are not limited to, parent education programs, booklets, video recordings, or referrals to additional community resources.

(c) This section shall become operative on January 1, 2020."

28 U.S.C. § 1257(a) 8, 11

The federal jurisdictional statute governing this petition provides:

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had, **may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question** or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States..."

California Government Code § 68081 8, 11, 24, 33

The state statute limiting an appellate court's ability to decide an issue *sua sponte* provides:

"Before the Supreme Court, a court of appeal, or the appellate division of a superior court renders a decision based upon an issue which was not proposed or briefed by any party to the proceeding, **the court shall afford the parties an opportunity to present their views on the matter through supplemental briefing.** If the court fails to afford that opportunity, a rehearing shall be ordered upon timely petition of any party."

California Code of Civil Procedure § 397.5 11, 21, 34

The state statutory rule governing exclusive family law venue modification provides, in pertinent part:

"In any proceeding under the Family Code, when it appears that both petitioner and respondent have moved from the county rendering the decree, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, transfer the proceeding to the county of the residence of either party."

California Code of Civil Procedure § 1952 11

The state statutory rule governing the retention and destruction of trial evidence provides:

"The clerk shall retain in his or her custody any exhibit or deposition introduced in the trial of a civil action or proceeding until final determination of the action or proceeding... **No exhibit or deposition shall be destroyed or otherwise disposed of without formal, written notice being served upon the parties of record...**"

IV. STATEMENT OF THE CASE

This case presents a profound structural breakdown of procedural due process where a state judiciary systematically weaponized "courtroom management" and calendar scheduling to insulate a favored, represented party, protect internal professional relationships, and actively block a self-represented protective mother from presenting unyielding physical evidence of child neglect, coercive control, and fraud. The state courts' interconnected administrative defects directly facilitated a multi-jurisdictional financial extraction scheme that subverted the federal bankruptcy judiciary and left Petitioner destitute.

A. The El Dorado County Proceedings: Systemic Evidentiary Suppression, Institutional Pressures, and Hearing Foreclosure (2017–2024)

The El Dorado County Superior Court's own January 28, 2022 announcement of Judge Bowers' appointment disclosed that her sixteen-year career centered on writing appellate briefs for the same California Third District Court of Appeal and California Supreme Court that later executed the unbriefed, summary dismissals of Petitioner's appeals. She had also trained CASA volunteers across both El Dorado and Sacramento counties—the same county child support and mediation services challenged here.

Petitioner's rights were first denied when the court summarily rejected her April 6, 2022 Emergency Protective Order, which alleged severe child neglect and ongoing coercive-control domestic violence, and instead forced the parties back to Child Custody Recommending Counseling (CCRC) mediator Ady Langer.

On July 1, 2022, Petitioner's counsel filed a Memorandum of Points and Authorities and Reply Declaration placing the court on explicit written notice that the CCRC mediator had violated California Rules of Court, Rule 5.210(e)(1), admitting she "did not have time to read" Petitioner's TalkingParent records and psycho-educational evidence documenting the child's severe clinical anxiety from 50 missed homework assignments during the father's parenting time.

At a July 7, 2022 hearing, though Judge Bowers found "*a consistent pattern of assignments not being turned in on father's parenting time*" and heard father's statements reflecting evidence of his coercive control, she nonetheless only modified her tentative ruling of CCRC's flawed report "*recommend[ing] that the court appoint Minor's Counsel ... without the parents' need to attend another CCRC appointment in the near future*" by offering Petitioner the option of CASA, violating El Dorado County Local Rule 8.00.03, which mandates coordination of information with CPS to investigate reports of suspected child abuse during pendency of a family law proceeding.

The trial on Petitioner's 85 counts of quasi-criminal contempt and custody modification was calendared for January 31 through February 15, 2023. Just days before trial, the father's counsel filed an untimely, motion in limine and demurrer in violation of local rules; on the first day, the court allowed them to be heard anyway, then applied procedural rules selectively, granting the father's motion to force the parties' 14-year-old child to testify despite continuous warnings of parental alienation and coercive control, while staying silent on the demurrer in a way that coerced Petitioner's counsel to request a leave to amend that derailed the trial timeline.

During this opening hearing, the trial judge disclosed her own 16 years as former El Dorado County Counsel and Parent Counsel, the very county court now being challenged, then

intimidated Petitioner's attorney on the record: "*The court will caution calling witnesses that may not be necessary... Just educating the Court, the Court would not find to be... a good use of the Court's time.*" This calculated show of authority coerced counsel into withholding Petitioner's domestic violence expert witness, eliminating the sole mechanism to rebut the CCRC report.

On February 1, 2023, the CCRC mediator testified out of order and, under cross-examination, admitted violating her investigative duties under CRC Rule 5.210(g) and (h): she had based her 50/50 custody recommendation entirely on the father's unverified verbal statements, skipped reading the case files, and never contacted a single collateral teacher or school official in 2022, then testified that verifying school records of 50 missing assignments would have changed her recommendation.

On February 7, 2023, the court found the father willfully guilty on four counts of contempt for violating the Final Judgment's requirement that he deliver the 2TB Seagate hard drive, but not guilty on Count Three, for the forensic copies of Petitioner's sole business and community property assets he was ordered to provide by February 11, 2021, finding only that "*non-compliance has not been proven beyond reasonable doubt,*" that "[the father] *could have complied,*" that "*the spirit of the order was not complied with,*" and that "*the order remains in full force and effect.*" The court then set sentencing for June 20, 2023, deliberately timing it to follow the joint legal custody trial so it could weigh that trial's outcome. The next day, February 8, 2023, the court held a Family Code § 6320 evidentiary hearing and applied an entirely lopsided standard: it blocked Petitioner's counsel from introducing physical photographic proof of domestic violence (Exhibits HHH and III), a per se reversible err, while permitting the father to introduce his own contested video, then relied blindly on the toxic CCRC report to preserve the 50/50 custody order, exposing the minor child to ongoing neglect and abuse.

Following these rulings, the father and Mr. Marrs pursued a deliberate strategy of financial exhaustion, filing rapid-fire post-judgment modification motions and retaliatory OSC contempt charges that skyrocketed Petitioner's fees and forced her counsel to withdraw, leaving her pro se and subject to support modifications based on unverified guidelines and an arbitrary alteration of the 2021 Final Judgment. In violation of the Law of the Case doctrine, the judge then entertained a February 10, 2023 RFO to "Allocate Payment for Forensic Data," letting the father hold her solely awarded business and community digital assets hostage behind a new financial wall.

The May 18, 2023 hearing blended Petitioner's arraignment on the father's retaliatory OSC contempt charges with the hearing to set trial dates on his post-judgment RFOs; the court granted the father's request to merge those RFOs with his own June 20, 2023 criminal contempt sentencing calendar. When the father's counsel argued the father "cannot continue to pay" support that was "in excess of what the actual guideline support amounts should be," the judge responded that this bench officer lacked authority to hear child support now that DCSS had intervened, and that "child support will have to trail the spousal support" — then declined to modify spousal support at all, giving the father a Gavron warning that "it is your duty to provide for your child and to seek employment" and ruling on the record, "THE COURT IS NOT MODIFYING SUPPORT AT THIS TIME." (TR 9:5-28; 10:1-4, May 18, 2023.) The court then forced Petitioner to litigate these complex matters unrepresented, since her court-appointed criminal public defender, Ms. Pagala was legally barred from speaking on her behalf to protect Petitioner's Fifth Amendment rights, the same protection the court ensured for the father.

At that same June 20, 2023 hearing, barely a month after declining to modify support and warning the father to find work — the court reversed course entirely. Asked directly, "Have you propounded discovery in this case, ma'am?", Petitioner explained she had not known she could

before the short May 18 deadline; the court agreed on the record that the deadline "was set very short" and "would not have allowed sufficient time for discovery in this matter." (TR 94:7-16.) The court also confirmed that the forensic copying of the parties' hard drives — the mechanism the 2021 Final Judgment itself relied on to locate undisclosed community assets — "was to have been completed years ago," yet remained undone because the company retained to perform it had gone out of business (TR 6:24-25; 7:1-13), and, when Petitioner explained she still needed the copies because she could not be certain the father had not "edited, altered, or otherwise changed" data she owned, the court acknowledged the discovery's asset-location purpose: "I believe that the judgment is reflective of that." (TR 9:6-25.) Then, without that discovery ever occurring, and despite finding Petitioner had done exactly what the court's own Gavron warning demanded — securing employment "within the 75th percentile" of her vocational evaluation — the court modified permanent spousal support downward to \$250 per month, crediting the father's unemployment and temporary disability, notwithstanding its own stated "concerns about whether or not this is a tactic to reduce your support." (TR 146:13-25; 147:1-12; 152:12-24; 154:5-24; 155:6-25; 161:6-25; 162:1-9.) Drawing on her own expertise as a veteran appellate brief writer, the judge signed off on these results with full awareness she was violating Petitioner's right to a noticed evidentiary timeline.

On September 21, 2023, the father filed an ex-parte to quash Petitioner's financial discovery subpoenas without requesting a meet and confer. Rather than protect the child support hearing date, Judge Bowers delayed her ruling, pushing the hearing out to October 19, 2023.

This delay in Department 5 created a jurisdictional bottleneck that paralyzed the child support tribunal: because Judge Bowers failed to timely resolve the discovery dispute, Petitioner

was blocked from obtaining the bank records needed to try the modification, and was forced to seek a continuance with the Child Support Commissioner in Dept. 8.

Judge Bowers issued her, October 19, 2023, tentative ruling invoking Evidence Code § 1040 to quash Petitioner's subpoena for the CCRC files in its entirety and narrowed the dates for Petitioner's requested bank records. Though the ruling was mostly in Father's favor he sought oral argument. The court executed an extraordinary procedural anomaly, deploying the Family Law Facilitator, Michael Friel, to sit inside the courtroom as a surveillance buffer, despite his stating in writing an hour prior that attending court was strictly "beyond the scope" of his office.

Upon parties' appearing in court, they were ordered to meet with the family law facilitator, where Mr. Friel advised father of his right to request an in-camera review. Though Father's filing only requested a complete quash, after being legally advised, he asked for and the court granted an in-camera review, thereby executing a total procedural foreclosure of barring Petitioner from discovery entirely.

The rescheduled hearing finally convened on November 27, 2023, and produced reversible error: the Commissioner refused to let Petitioner present her physical evidence or cross-examine the father's income entries, instead treating his complex financial tracking as a closed administrative matter based on unverified verbal assurances and unauthenticated "expenses". Even after Petitioner testified on the record that father's withheld support had forced her to local food banks, the Commissioner still finalized the reduced support, leaving the false guideline numbers uncorrected.

The final operational trap was sprung on January 22, 2024. While Petitioner was experiencing cognitive difficulties due to COVID-19, El Dorado DCSS case worker Misti X.

Smith maintained an email string discussing financial disclosures under an uncorrected afternoon schedule timeline. The court called the item during the 10:00 A.M. morning block. At the father's specific request, and over Petitioner's objection, the court reduced his combined support obligation to zero; when County Counsel and DCSS conferred on the record, County Counsel confirmed the consequence directly: "we won't be collecting spousal on -- because he won't be paying child... his order of 607, which is the child support portion of 857 -- goes to zero." The court then confirmed, "DCSS won't collect the spousal support for you, you have to go pay it. They won't withhold it," to which County Counsel agreed, "That's right." (01/22/2024 TR 11:9-28; 12:1-28.) This on-the-record admission — that zeroing child support automatically terminated DCSS's mechanism for collecting spousal support — activated an internal administrative tracking rule that permanently ended the agency's authorization to collect Petitioner's spousal support, completing a total financial erasure without a noticed evidentiary hearing.

On February 15, 2024, the judge formalized this default, explicitly executing an evidentiary block to cut off Petitioner's oral testimony regarding the father's extrinsic fraud. To resolve the father's new billing demands, the judge ruled that Petitioner's poverty-driven failure to pay an insurance offset would be deducted directly from the father's unpaid spousal support arrears, converting his support defaults into a personal credit card to fund his litigation costs.

Upon obtaining the official Register of Actions to process her first appeal, Petitioner discovered an egregious, fatal structural defect: the trial court clerk's office had physically shredded and destroyed the entire February 2023 trial exhibit binders and certified middle school tracking records. On May 9, 2024, the clerk's office verified via email that they dropped the retention notice solely into an unmonitored courthouse box belonging to Petitioner's former

counsel after Petitioner had already substituted in pro per, falsely claiming the records were "the product of the attorney" to permanently erase the paper trail of judicial and administrative misconduct immediately following Petitioner's formal declaration of intent to appeal. (App. 15a; App. 16a.)

Petitioner's own appeal in the El Dorado action, Court of Appeal Case No. C100141, collapsed on a separate but related track. On November 18, 2025, the Court of Appeal denied Petitioner's motion to redesignate or augment the record with self-purchased transcripts, calling the request "belated and vague" and setting a December 3, 2025 deadline or dismissal. (App. 3a.) Two days later, Petitioner filed a formal disability-accommodation request under Judicial Council Form MC-410 seeking a 90-day extension and a support person (App. 4a); the clerk invited only Appellee/DCSS to respond, with no reciprocal invitation extended to Petitioner. On December 11, 2025 — without giving Petitioner any opportunity to respond to Appellee's opposition — the court granted only a partial extension to January 26, 2026, calling it "the last extension... that will be granted," and denied the support-person request under California Rule of Court 1.100(f)(3) and 28 C.F.R. § 35.135. (App. 4b.) Petitioner did not receive her final purchased trial transcript until January 20, 2026 — just six days before that deadline. The Court of Appeal then rejected Petitioner's resulting opening brief for six defects on February 2, 2026, setting a corrected filing deadline of February 17, 2026 (App. 4c); unable to complete a compliant brief under these compounding restrictions, the C100141 appeal was dismissed on March 16, 2026. (App. 4d.)

B. The Sacramento County Proceedings: Systemic Cross-County Subrogation Defects (2025)

Following the expiration of his temporary disability in December 2023, the administrative default trap finalized in the El Dorado County Superior Court on January 22, 2024, set the stage for an automated cross-county subrogation defect. The father filed for public cash assistance (CalWORKs) in Sacramento County. Under California child support regulations, this application automatically assigned his support collection rights over to Sacramento County to allow the state to seek welfare subrogation.

When Sacramento County subsequently initiated its own legal action to enforce child support based on that public aid application, the El Dorado County Local Child Support Agency (LCSA) engaged in a fatal structural violation by entirely abdicating its exclusive statutory venue mandates under **California Code of Civil Procedure § 397.5**. Because Petitioner—the primary supported parent receiving active child support and permanent spousal support—never left her permanent home in El Dorado County, absolute legal venue remained exclusively within that specific jurisdiction.

Rather than asserting proper venue or transferring the case file along with its binding judicial findings—including Appellee's active *Gavron* warning and extensive multi-year history of family law orders—the local agency permitted an unauthorized, extrajudicial change of venue. This structural failure allowed an un-legislated, automated cross-county ledger transfer to bypass exclusive statutory venue laws, creating a structural due process breakdown by allowing automated database inputs to strip a citizen of a vested property right (spousal support) without a separate, noticed evidentiary hearing. It forced a blindfolded Sacramento County Child Support

Commissioner to calculate support arrears based solely on a fraudulent, low-income welfare application while completely ignoring over \$75,000 in concealed corporate 401(k) assets.

At the Sacramento County child support arrears hearing on **July 17, 2025**, the Commissioner heavily restricted Petitioner's oral and written evidence to a narrow, historical window. Two days later, Petitioner discovered a devastating structural irregularity: the Sacramento County court clerk, entirely unbeknownst to Petitioner, had unilaterally intercepted, rejected, and physically returned all four of Petitioner's timely filed **Statements of Issues and Contentions**. The Commissioner proceeded to rule on the support modifications and arrears calculations without these core, foundational evidentiary documents ever being placed before the tribunal. Upon learning of this clerk-level interception defect, Petitioner timely filed a Motion for a New Trial. The Commissioner heavily delayed the hearing until **November 2025**, only to summarily deny it by stating Petitioner "just didn't like the ruling," while flatly refusing to provide a mandatory, statutory Statement of Decision. The compromised final orders were formally served on Petitioner on **December 3, 2025**.

C. The Compounding Federal Bankruptcy Subversion and Appellate Breakdown (2025–2026)

The state courts' systematic suppression of evidence and extrajurisdictional change of venue directly facilitated a deep, ongoing fraud upon the federal judiciary. Two days prior to applying for state cash-aid public assistance, on **December 22, 2024**, Appellee filed a Chapter 7 Bankruptcy petition. In direct violation of federal bankruptcy rules, Appellee completely omitted Petitioner as a Domestic Support Obligation (DSO) creditor and actively concealed the corporate

business assets he was under active, un-enforced El Dorado County contempt orders to surrender.

Petitioner discovered this hidden filing in February 2025 via direct communication with the federal Bankruptcy Trustee and subsequently filed an active Adversary Proceeding (currently set for trial on **July 9, 2026**) under **11 U.S.C. §§ 523 and 727**, formally challenging the dischargeability of the support debts and the global bankruptcy discharge itself. The Sacramento County court's clerk-level rejection of Petitioner's evidentiary statements in July 2025 directly blindfolded the state family law tribunal, preventing it from recognizing that its compromised, downward-slashed orders were being weaponized to insulate a fraudulent federal bankruptcy estate.

Petitioner filed her formal Notice of Appeal in the Sacramento matter, Court of Appeal Case No. C105390, on **December 22, 2025**. Recognizing the structural validity of the appeal, the California Court of Appeal, Third Appellate District, initially ordered Petitioner to file her Civil Case Information Statement and Civil Mediation Statement by January 14, 2026, which Petitioner timely and fully executed.

However, a coordinated procedural trap was subsequently sprung between the Superior Court clerk's office and the Appellate Court to engineer an artificial jurisdictional default. The Superior Court clerk issued a default notice against Petitioner for failing to pay a \$100 operational processing deposit required under **California Rules of Court, Rule 8.100(b)(2)** and **Government Code § 68926.1**. Petitioner immediately contacted the clerk's office, pointing out that she possessed an approved, valid appellate fee waiver, which under formal state forms (**Form APP-015/FW-015-INFO, Item 2**) and **Government Code § 68926** explicitly waives these exact operational fees. The clerk flatly refused to honor the valid

fee waiver, stating that the Superior Court had denied it, and handed Petitioner a coercive choice: pay the \$100 deposit immediately or file a request for oral argument to challenge the denial. To preserve her appellate rights from immediate administrative destruction, Petitioner was forced to pay the fee, which the Superior Court received and processed on **February 9, 2026**.

Despite the strict legal requirement that a Superior Court clerk must immediately notify the Court of Appeal upon the curing of an administrative default, a highly suspect chronological manipulation occurred. On that exact same day, **February 9, 2026**, the Third District Court of Appeal issued and mailed a notification declaring that "upon further review," Petitioner's entire appeal was being summarily dismissed as untimely.

The appellate court calculated its jurisdictional window strictly from the initial July 17, 2025 hearing date, deliberately and explicitly refusing to recognize that the filing timeline was legally tolled under **CRC Rule 8.108(b)** by Petitioner's post-judgment Motion for a New Trial, which was not heard and decided until November 17, 2025. When Petitioner filed a comprehensive Motion to Vacate the Dismissal, proving her filing was physically eleven (11) days early under strict statutory tolling rules, the Court of Appeal *sua sponte* recharacterized her motion as a Petition for Rehearing and summarily denied it on **March 11, 2026**.

This maneuver intentionally bypassed the mandatory supplemental briefing requirements of **California Government Code § 68081**, ensuring that the trial courts' structural violations, protectionist professional relationships, and the physical shredding of the underlying trial records remained permanently insulated from substantive appellate review.

V. REASONS FOR GRANTING THE WRIT

This Petition arises from a confluence of structural defects that, together, place an entire class of litigants beyond the reach of any meaningful check on state power. California permits each county to decide for itself whether a child-custody mediator's report is merely advisory or effectively binding, so that a parent's fundamental liberty interest in the care, custody, and control of her children turns not on any judicial finding but on local administrative preference. In this county, a non-judicial employee's "recommending" report – built on hearsay she was never required to verify – is rubber-stamped by the court for the sake of docket and budgetary economy, without any hearing that meaningfully tests its reliability. That structural defect is compounded by the State's own implicit acknowledgment, through its highest court's decision to grant review and hear argument in *Family Violence Appellate Project v. Superior Court*, S288176, that indigent, self-represented litigants may be categorically denied the verbatim record required to prove the very procedural abuses committed by the powerful institutional insiders who control that record. And it is compounded further still by the State's failure to provide any independent oversight body – judicial, administrative, or otherwise – capable of reviewing that misconduct once it occurs, as documented *supra*. The combination is not three isolated defects; it is a single, self-reinforcing system of state-created harm, in which the State creates the danger, controls the only evidence of it, and then declines to review it – profoundly violating a parent's Fourteenth Amendment right to the care, custody, control, and protection of her children.

A. This Court Should Intervene to Invalidate California's Unique Mandatory Mediation Scheme, Which Operates as a Jurisdictional Anomaly to Insulate Structural Due Process Violations from National Review.

This Petition presents this Court with an exceptional issue of national importance that traditional appellate pathways can never resolve. Under **California Family Code § 3170**, California stands as the **only state in the United States** to impose a mandatory, closed-door, uncounseled mediation framework. Compounding this statutory anomaly, the state permits individual counties to independently determine whether their court-connected Child Custody Recommending Counselors (CCRC) will operate as "recommending" or "non-recommending" entities.

Aggressive Respondents will attempt to move for an immediate procedural dismissal by arguing that this petition fails to identify a traditional split of authority among the federal circuit courts or state supreme courts under **Supreme Court Rule 10**. This defense relies on a structural impossibility. Because California's statutory architecture is entirely unique to its borders, a traditional multi-state split can **never** develop.

Independent of the split-of-authority question, this petition satisfies Rule 10(c) on its own terms. That Rule provides that certiorari is warranted where a state court "has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court." The California courts below did both. They decided, without any prior guidance from this Court squarely addressing mandatory, non-adversarial, non-judicial custody mediation, that a state may delegate a fit parent's fundamental liberty interest in the care and custody of her child to an unelected, unreviewable county employee, an important, unsettled federal question this

Court has never resolved. And in doing so, the state courts' actions directly conflict with this Court's existing precedent: *Troxel v. Granville*, 530 U.S. 57 (2000), which holds that a fit parent's right to direct the upbringing of her child is a fundamental liberty interest a state may not override without due process; *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), which requires that any opportunity to be heard be granted in a "meaningful manner"; *Mathews v. Eldridge*, 424 U.S. 319 (1976), which requires courts to weigh the risk of erroneous deprivation against the value of additional procedural safeguards before a state may extinguish a protected interest; and *Griffin v. Illinois*, 351 U.S. 12 (1956), which forecloses a state from using its administrative machinery to render a statutory right to appeal an empty formality for an indigent litigant. Each of these conflicts, standing alone, satisfies Rule 10(c); together, they present exactly the kind of important, unsettled, and actively conflicting federal question this Court exists to resolve.

The California Supreme Court has consistently closed ranks to insulate this insular court framework from external scrutiny. The state judiciary historically acquiesces *only* when a litigant explicitly structures a facial challenge based on systemic **Fourteenth Amendment Due Process and Equal Protection violations**. Consequently, direct review by the United States Supreme Court stands as the **sole remaining constitutional mechanism** to address a structural breakdown causing catastrophic, compounding generational harm to millions of families trapped inside California's borders.

The operational execution of this unique statute directly violates this Court's landmark mandate in *Troxel v. Granville*, 530 U.S. 57 (2000), which firmly establishes that a fit parent possesses a fundamental Fourteenth Amendment liberty interest in the care, custody, and control of their child. By forcing a protective parent into a closed-door room with an un-elected, non-

judicial state worker who has no familial connection to the child, the state actively strips away the presumption of parental fitness.

In Petitioner's case, the CCRC mediator openly confessed under cross-examination to violating her mandatory investigative duties under **California Rules of Court (CRC), Rule 5.210**, admitting she skipped reading Petitioner's evidence files and **failed to contact a single teacher or official at Marina Village Middle School in 2022**. Langer had personally authenticated her own body of work at that same hearing: the court admitted six of her prior CCRC reports, dated 2017 through 2022, into evidence as Trial Exhibits 3 through 8, by stipulation and without objection or any confidentiality designation. Yet, because the local county utilizes a "recommending" protocol, the trial court blindly rubber-stamped her flawed, unverified 50/50 custody plan.

This was not an isolated lapse but a pattern spanning Langer's entire five-year involvement in this case. Her March 2018 report shows the same failure to act on information already in her possession: after a collateral contact with C.A.'s PCIT therapist, Leslie Baughman, MFT — who had treated the family through the domestic-violence incident that led to Petitioner's own arrest — Langer recommended only that "Father should be given the opportunity to prove himself," without ever tying that recommendation to the safety analysis CRC, Rule 5.210(d)(2)(C) and (h)(5) required. Her November 2018 and May 2020 reports accepted Father's uncorroborated characterizations of Petitioner — as controlling, manipulative, even mentally unstable — at face value while defaulting to a conflict-avoidant "parallel parenting" plan that never assessed which parent's account was accurate, the exact hearsay-over-investigation practice CRC, Rule 5.210(h)(2) prohibits. Langer's own January 2019 report admits she filed the prior report without gathering input from C.A.'s therapist because she "rush[ed] to get the report by the hearing date"

— a violation, by her own account, of CRC, Rule 5.210(h)(9)'s bar on recommending before "having gathered the information necessary to support the conclusion." And Petitioner's May 2022 CCRC intake questionnaire conditioned any change in Father's parenting time on his completing a batterer's program and being reassessed for safety; Langer's June 2022 report never mentions or resolves that condition at all.

Petitioner's sworn, un rebutted Reply Declaration to Langer's June 2022 report, filed of record by counsel, quotes Langer's response when asked to review the school-attendance records Petitioner had submitted to corroborate Father's noncompliance with the court's homework orders: "I don't understand what I'm supposed to get out of this." The same declaration records that Langer independently confirmed with C.A.'s individual therapist, Christopher Taylor, that Father did not believe C.A. needed counseling and had withdrawn his consent for it, third-party corroboration that Father, not a mutual "co-parenting issue," was obstructing the child's mental-health care, yet Langer's report attributed the impasse to both parents equally and stated she had "no evidence that either of them should lose their parental rights" and "no reason to justify a change in custody." Petitioner's own July 2022 Memorandum of Points and Authorities documents, on the record and unchallenged, Langer's admission that the case file contained "a lot of documents" and that she did not "have time to read it" — the same admission she repeated, in substance, at the evidentiary hearing described above.

The systemic reality of the California family law apparatus is that the trial bench operates as an administrative production line, transforming an independent Article VI judicial office into a rubber-stamped administrative mandate. The absolute, recurring nature of this constitutional abdication is verified by your petition's inclusion of **In re Marriage of J.G. & K.G.** (2025) 110 Cal.App.5th 1214, where this exact same trial judge was formally reversed by a published

appellate authority for committing the *exact same error*—abdicating her independent judicial screening duties, bypassing the domestic violence presumption under **Family Code § 3044**, and outsourcing her fact-finding power to a local CCRC recommendation.

Under the rule of **Mullane v. Central Hanover Bank**, the opportunity to be heard must be granted in a "meaningful manner." Procedural and substantive due process are completely destroyed when a parent's constitutional right to raise their child is usurped by an administrative third party whose deficient, unverified assumptions are rendered legally unassailable by a protectionist local bench. This Court must step in to declare California Family Code § 3170 facially unconstitutional; the administrative convenience of a state court can never justify a jurisdictional anomaly designed to shield the destruction of a fit parent's liberty. [1] This is not a hypothetical gap in the system, it is a documented, admitted one. When Petitioner filed a licensing complaint against the CCRC mediator for the misconduct described above, the California Board of Behavioral Sciences confirmed in writing that no independent body will ever review a CCRC counselor's fact-finding conduct, because the state itself has defined CCRC as categorically outside any oversight structure: "Based on the information provided a therapeutic relationship with [the mediator], did not exist. Per the El Dorado County Courts Webpage... 'CCRC is problem solving and fact finding, not therapy.' ... As such, the Board does not have the jurisdiction to take action against [the mediator]'s license based on the complaint you have submitted." (App. 7a, BBS Compl. Dismissal, Dec. 15, 2022).

None of this is unique to Petitioner's case, and California has been on notice of it for more than forty years. Legal scholarship has tracked the harm of the state's mandatory mediation scheme since the mid-1980s, and by 2022 every empirical study on the subject pointed the same direction: judges adopt mediator recommendations in roughly seventy-five percent of cases, even

when the recommendation conflicts with the law, and California's own mediator-screening rules excuse mediators from reading the court file whenever doing so is merely "when available" or left to "appropriate staff", the identical loophole Langer's own conduct here illustrates. Anne M. Sidwell, *Mandatory Child Custody Mediation: A Call on California to Protect Domestic Violence Survivors*, 57 U.S.F. L. REV. 135, 143, 152 (2022). In 1996, California's Judicial Council itself acknowledged the burden the scheme placed on survivors but declined to reform it, calling elimination "untenable," *id.* at 140, and by 2022 California remained the only state in the country that had not created any exemption from mandatory mediation for domestic-violence survivors, *id.* at 139. The same body of research documents why: "[c]ustodial interactions serve as a tool for violence," giving abusers repeated, state-sanctioned opportunities "to control, intimidate, manipulate, or physically harm the survivor," and children "living under joint custody orders in high-conflict families are more emotionally troubled and behaviorally disturbed than those in sole custody", precisely the harm C.A.'s own IEP team and treating therapists documented in this record. *Id.* at 163. The State has known, for decades and on the strength of its own courts' data and its own legal scholarship, that mandatory mediation of the kind imposed on Petitioner reliably produces the harm she and her son experienced here — and has chosen, repeatedly, to preserve the scheme rather than fix it.

The identical structural void reaches the companion child-support proceedings below. When Petitioner requested a state administrative hearing to challenge the local child support agency's concealment of the father's concurrent cash-aid application, the Department of Child Support Services' own Office of Legal Services dismissed the request, holding it had no jurisdiction to review the underlying court orders, no jurisdiction over the benefits-concealment allegation because "such concerns must be directed to the Department of Social Services," and no

jurisdiction over the conduct of local agency personnel. (App. 8a, State Hearing Dismissal, Sept. 23, 2025). The local agency's own ombudsman confirmed the same limitation in writing, advising Petitioner that it "cannot require either the Courts or the Department of Human Assistance to take any particular action." (App. 9a, Ombudsman Resp., Aug. 28, 2025). Every forum Petitioner pursued – the licensing board, the state hearing office, the agency's own internal ombudsman – affirmatively disclaimed jurisdiction over the precise conduct alleged to have caused the deprivation, leaving the trial court's unreviewed, unverified acceptance of the CCRC recommendation as the only decision ever made in this case. A state cannot immunize the deprivation of a fundamental liberty interest from all independent review by dividing jurisdiction among agencies that each deny responsibility for the same conduct. Cf. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (due process requires weighing the risk of erroneous deprivation against the value of additional procedural safeguards); *Santosky v. Kramer*, 455 U.S. 745, 753-54 (1982) (a parent's interest in the care and custody of her child cannot be extinguished without fundamentally fair procedures).

B. The Judicial Misapplication of Governmental Privilege to Suppress Internal Records Violates the First Amendment Right to Petition for Redress.

A critical constitutional conflict arises from the trial court's invocation of **California Evidence Code § 1040** to quash Petitioner's subpoena for the CCRC files. The lower court characterized this as a routine state-law evidentiary privilege ruling under the guise of protecting the confidentiality of court notes. However, the record establishes that the mediator had already openly confessed under cross-examination to violating mandatory state investigative laws under **CRC Rule 5.210**.

The constitutional injury is anchored directly by Petitioner's explicit written declaration. In her formal responsive pleading to the father's motion to quash, Petitioner placed the trial court on unyielding notice, stating:

"The purpose of my subpoenaing CCRC's case file for our case is to pursue a Government Tort Claim against Ms. Langer."

By invoking a governmental privilege to lock away a court worker's raw notes *after* the party explicitly declared that the records were required to exercise her fundamental right to pursue a formal administrative claim, the court's action crossed the line from a routine discovery block into an unconstitutional interference with the **First Amendment Right to Petition the Government for a Redress of Grievances**.

The trial court actively used its machinery to block a citizen from gathering the primary source evidence required to seek administrative liability against a non-compliant county employee. This Court should grant certiorari to clarify that a state-created evidentiary privilege cannot be weaponized by a state court to immunize its own personnel from statutory tort exposure or block an indigent party's access to external regulatory remedies.

C. The State Judiciaries' Price-Barring Transcript Barriers and Record Destruction Create a Structural Defect That Renders Meaningful Appellate Review Impossible.

The consequences of California's unconstitutional administrative framework culminate in a severe, price-barring blockade that strips indigent litigants of the physical capacity to access appellate justice. Under long-standing federal precedent established by this Court, when a state provides a statutory right to appeal, it cannot utilize its administrative machinery to

systematically intercept filings, miscalculate timelines, or place exorbitant financial hurdles to render that appeal an empty, unreviewable exercise (**Griffin v. Illinois**, 351 U.S. 12 (1956)). The state court apparatus in this matter executed a total procedural foreclosure of this right through a direct, coordinated violation of the constitutional principles established by the California Supreme Court in **Jameson v. Desta** (2018) 5 Cal.5th 594.

Jameson stands as an explicit mandate: a litigant who possesses a valid, court-approved fee waiver cannot be denied access to an official verbatim record simply because they lack the financial means to fund an independent court reporter. Despite Petitioner operating under an active, approved fee waiver, the trial court clerk's office explicitly demanded an exorbitant, prohibitive **\$8,000 to \$10,000 cash deposit** to release the mandatory transcripts required to designate the record on appeal. When Petitioner filed an urgent, formal motion pursuant to *Jameson v. Desta* to challenge this unauthorized financial barrier, **the court clerk's office executed a summary default notice against her a mere twenty-four (24) hours later.**

The constitutional injury is not an isolated clerical error; it represents a systemic, active resistance by local superior court clerks to comply with established constitutional mandates. This precise structural breakdown is currently a **live, unresolved crisis before the California Supreme Court in Family Violence Appellate Project, Inc. v. Superior Court** (Oral Arguments heard June 3, 2026, ruling pending). Petitioner explicitly raised the direct relevance of this pending, state-wide litigation inside her Petition for Review, alerting the state's highest court that intermediate appellate courts and local superior court clerks are actively weaponizing these unauthorized transcript deposit demands to manufacture artificial timeline collapses against indigent, self-represented domestic violence victims.

By allowing a local superior court clerk to hit an indigent parent with a \$10,000 deposit barrier, execute an automatic default the next morning, and then utilize the clerk's office to physically shred the underlying 2023 trial exhibits, the state court system effectively sanitized the record. The California Court of Appeal subsequently used this self-manufactured administrative darkness to execute a *sua sponte*, summary dismissal of the entire appeal as "untimely" on unbriefed grounds, intentionally bypassing the mandatory supplemental briefing requirements of **California Government Code § 68081** to ensure that this price-barring scheme and the physical spoliation of the record remained completely insulated from higher judicial overview. This Court should grant certiorari to confirm that a state court cannot utilize exorbitant corporate fee barriers and rapid-fire clerical defaults to evade the constitutional mandates of *Griffin* and *Mullane*, transforming the appellate right into a luxury reserved exclusively for represented parties.

D. The Systemic Cross-County Subrogation Defect Extinguishes Vested Property Rights Without Due Process.

The lower court's validation of the cross-county ledger transfer represents a severe, systemic due process breakdown. Under **California Code of Civil Procedure § 397.5**, because Petitioner maintained continuous residency in El Dorado County, that court possessed exclusive jurisdiction over support modifications. The automated, un-legislated transfer of support records to Sacramento County based on a welfare subrogation assignment completely subverted this statutory protection.

The constitutional injury lies in the total **absence of a noticed evidentiary hearing** prior to the alteration of the ledger. The family law system allowed an automated database input from an

external county to interface with the local child support ledger, creating an artificial "system credit" that automatically dropped child support to zero. This drop immediately triggered an internal administrative collection rule that **permanently terminated the agency's authorization to collect Petitioner's spousal support**, completely stripping her of a vested, non-modifiable property right.

This Court's intervention is required to address this widespread administrative practice: when a state agency leverages automated cross-county accounting loops to alter, reallocate, or extinguish civil support rights without affording the supported parent a prior, noticed courtroom hearing on the merits, it executes an unconstitutional deprivation of property in direct violation of the Fourteenth Amendment.

E. The Trial Judge's Shifting Standards of Authority and Documented Insider Expertise Inflict a Structural Violation of the Right to an Impartial Arbiter.

The foundational pillar of Fourteenth Amendment Due Process is the absolute, unyielding right to a neutral, impartial, and detached arbiter. This constitutional baseline collapses when a trial judge uses her specialized, personal expertise in appellate writing not to protect the rights of an unrepresented party, but to actively engineer a clean, un-reviewable trial record that insulates her own procedural errors. The trial judge in this matter committed a severe breach of judicial neutrality by executing a shifting standard of authority that directly targeted Petitioner's pro se defense.

The structural intent behind this misconduct is exposed directly by the judge's own on-the-record admissions when contrasted with her official judicial appointment background. On June 20, 2023, the judge explicitly stated on the record that she was denying Petitioner the mandatory

time required to propound discovery and gather physical evidence to challenge the father's support-slashing motions. Under long-standing federal jurisprudence, entering a final financial order while knowingly denying a party the statutory time to discover or present evidence of asset concealment constitutes an absolute deprivation of due process.

According to the court's own official January 28, 2022 press release, Judge Bowers is a highly trained appellate specialist who spent sixteen years writing responsive briefs and writes directly for the California Third District Court of Appeal and the California Supreme Court. She was a state-wide co-chair for child welfare training, specializing in the complex jurisdictional boundaries of the Uniform Child Custody Jurisdiction and Enforcement Act.

This Court's own decision only weeks before this Petition confirms the plausibility, not the novelty, of Petitioner's claim. In *J.O. v. Superior Court (San Joaquin County)* (Cal. May 28, 2026, No. S287285), this Court held that a county counsel's office's pattern of blanket, bad-faith peremptory challenges under Code of Civil Procedure section 170.6 — filed after a judge admonished that office for improper conduct, and used to force her reassignment in over 300 cases within a few months — may be challenged as an as-applied violation of the separation of powers, overruling *Solberg v. Superior Court* (1977) 19 Cal.3d 182 to that extent. If a county counsel's office can weaponize neutral procedural mechanisms to control which judge hears its cases, nothing structurally prevents that same institutional culture from being carried onto the bench by a judge promoted directly out of that office — precisely the pattern Petitioner documents here, where the trial judge's own background as former El Dorado County Counsel preceded her repeated procedural favoritism toward DCSS, the county agency she once represented.

Consequently, when the judge stood on the record and admitted she was denying Petitioner the time to propound evidence, **she acted with absolute, expert personal knowledge that she was executing a constitutional violation.** She knew precisely how a lack of a verbatim record and a localized clerk-level default could be used down the line to trigger an artificial timeline collapse before the Court of Appeal. Her subsequent conduct across late 2023—allowing a discovery motion in her department to procedurally lock a child support evidentiary hearing in a separate department, threat-barring Petitioner's domestic violence expert, and using the father's unpaid support debt as a private credit card to finance his litigation costs—represents a willful, calculated misuse of judicial power designed to force an indigent mother into absolute legal isolation. This Court should grant certiorari to confirm that when a state judge leverages her specialized appellate knowledge to intentionally strip an unrepresented litigant of foundational discovery timelines, she violates the core guarantee of a neutral arbiter, rendering the entire underlying judgment void.

The irony of this structural violation is compounded by the trial judge's own sworn assurances of specialized competence in precisely the area where a published appellate court later found her wanting. On January 31, 2023, the judge stated on the record: "Well, the Court will disclose that it has extensive knowledge as to domestic violence and the dynamics of domestic violence, the circle of domestic violence and has received extensive training in domestic violence both in my prior role as parents' counsel and in my prior role as county counsel. The Court is well aware of coercive control and what coercive control looks like, how it is exercised in cases where there is domestic violence." (RT 28:15-22, Jan. 31, 2023.) Despite this self-declared expertise, this same judge was formally reversed two years later in *In re Marriage of J.G. & K.G.*, supra, 110 Cal.App.5th 1214, for failing to make the mandatory

domestic-violence findings required by Family Code § 3044 before awarding custody – the precise safeguard her own on-the-record claim of specialized training represented herself as uniquely equipped to apply. A judge's self-certified expertise cannot substitute for the due-process safeguards the Constitution requires, and where that self-certified expertise is later shown to be illusory by a published appellate reversal on the identical statutory ground, it becomes independent evidence that the trial court's authority in this case rested on unverified, unreviewed self-assessment rather than actual competence.

VI. CONCLUSION

For the foregoing reasons, this Petition for a Writ of Certiorari should be granted. Petitioner respectfully requests that this Court vacate the judgments and orders below and remand this matter for further proceedings consistent with the corrected constitutional standards set forth herein — including reassignment to a different judicial officer, given the documented, sustained pattern of bias and structural due process violations by the trial judge described in Part V, *supra*.

Dated: July 13, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amey Adkins". The signature is fluid and cursive, with the first name "Amey" and last name "Adkins" clearly distinguishable.

AMEY ADKINS

Petitioner Pro Se