ORIGINAL

26-5949

No. _____

Supreme Court, U.S.
FILED
JUL 13 2026
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Victoria P. — PETITIONER
(Your Name)

vs.

Michael O. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of NYS Appellate Division - 3rd Dept.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Victoria Schumacher.
(Your Name)

405 Elm Ave
(Address)

Selkirk, NY 12158
(City, State, Zip Code)

518-229-2095
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment requires that a parent have a meaningful opportunity to obtain appellate review of preserved federal constitutional claims arising from a state child custody proceeding when the appeal is dismissed as moot before those claims are addressed on their merits.

2. Whether the cumulative effect of procedural restrictions imposed during a child custody proceeding may deprive a parent of a meaningful opportunity to be heard, in violation of the Due Process Clause of the Fourteenth Amendment.

3. Whether the application of state procedural doctrines may effectively insulate alleged violations of federal constitutional rights from appellate review in proceedings affecting the fundamental liberty interest in the care, custody, and control of one's child.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below.

- **Victoria P., Petitioner**: the same party identified as **Victoria E. Schumacher** in the underlying Albany County Family Court proceeding.
- **Michael O., Respondent**: the same party identified as **Michael E. Conklin** in the underlying Albany County Family Court proceedings.

RELATED CASES

The following proceedings are directly related to the judgment for which review is sought:

Albany County Family Court

In the Matter of Michael E. Conklin v. Victoria E. Schumacher

Family File No. 28756
Docket No. V-01589/90-13/23V

Decision and Order entered August 28, 2024.

Supreme Court of the State of New York
Appellate Division, Third Department

Matter of Michael O. v. Victoria P.

Case No. CV-24-1610

Appeal from the August 28, 2024 Decision and Order.

New York Court of Appeals
Motion for Leave to Appeal denied.
Motion for Reargument denied by Order entered April 16, 2026.

TABLE OF CONTENTS

QUESTIONS PRESENTED 2

LIST OF PARTIES 3

RELATED CASES 3

TABLE OF CONTENTS 4

OPINIONS BELOW 6

JURISDICTION 7

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 8

STATEMENT OF THE CASE 9–10

REASONS FOR GRANTING THE WRIT 11–13

CONCLUSION 14

INDEX TO APPENDICES

Appendix A
Decision and Order of the Albany County Family Court, entered August 28, 2024.

Appendix B
Decision and Order of the Appellate Division, Third Department, dismissing the appeal as moot.

Appendix C
Order of the New York Court of Appeals denying leave to appeal.

Appendix D
Order of the New York Court of Appeals denying reargument and dismissing the motion for financial relief as academic (entered April 16, 2026).

Appendix E
Appellate Division order denying reargument.

TABLE OF AUTHORITIES

CASES

M.L.B. v. S.L.J., 519 U.S. 102 (1996) **11**

Mathews v. Eldridge, 424 U.S. 319 (1976) **12**

Santosky v. Kramer, 455 U.S. 745 (1982) **11**

Troxel v. Granville, 530 U.S. 57 (2000) **11**

STATUTES AND RULES

U.S. Const. amend. XIV **8**

28 U.S.C. § 1257(a) **8**

Supreme Court Rule 10 ..... **8**

Supreme Court Rule 13 ..... **8**

Supreme Court Rule 14 ..... **8**

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[X] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was December 11, 2025
A copy of that decision appears at Appendix C.

[X] A timely petition for rehearing was thereafter denied on the following date: April 16, 2026, and a copy of the order denying rehearing appears at Appendix D.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution

Fourteenth Amendment

Section 1

"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."

This petition principally concerns the Due Process Clause of the Fourteenth Amendment.

Federal Statute

28 U.S.C. § 1257(a)

"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 any title, right, privilege, or immunity is specially set up or claimed under the Constitution..."

Supreme Court Rules

Rule 10

Standards governing review on writ of certiorari.

Rule 13

Time for filing a petition for a writ of certiorari.

Rule 14

Contents of a petition for a writ of certiorari.

STATEMENT OF THE CASE

This petition arises from child custody proceedings conducted in the Albany County Family Court, State of New York. The proceedings culminated in a Decision and Order entered on August 28, 2024, modifying the parties' custodial arrangement concerning Petitioner's minor child.

Petitioner contends that the proceedings involved cumulative procedural rulings that deprived her of a meaningful opportunity to present evidence, challenge adverse evidence, and obtain a fundamentally fair hearing. Petitioner further contends that these alleged procedural deficiencies implicated rights protected by the Due Process Clause of the Fourteenth Amendment because they affected proceedings involving the fundamental liberty interest of a parent in the care, custody, and control of her child.

Throughout the Family Court proceedings, Petitioner attempted to preserve objections concerning the court's management of the trial, evidentiary rulings, discovery-related sanctions, and other procedural matters that she contends prevented meaningful consideration of material evidence. Petitioner further asserted that she encountered continuing obstacles in obtaining transcripts and pursuing appellate review of those issues.

Following entry of the August 28, 2024 Decision and Order, Petitioner timely sought review in the Supreme Court of the State of New York, Appellate Division, Third Department. Petitioner presented federal constitutional due process arguments together with challenges to the procedures employed during the Family Court proceedings.

The Appellate Division dismissed the appeal as moot rather than reaching the merits of Petitioner's preserved constitutional claims. Petitioner thereafter sought leave to appeal to the New York Court of Appeals. Leave was denied. Petitioner timely moved for reargument, which was denied by order entered on April 16, 2026.

As a result, Petitioner contends that no New York appellate court addressed the merits of her preserved federal constitutional claims. Petitioner asserts that the combined effect of the procedural rulings in the trial court and the subsequent dismissal of her appeal as moot prevented meaningful appellate review of alleged violations of procedural due process affecting a fundamental parental liberty interest.

This petition does not seek review merely because Petitioner disagrees with the custody determination. Rather, it asks whether the Due Process Clause permits preserved federal constitutional claims arising from child custody proceedings to remain unreviewed on their merits through the operation of state procedural doctrines, and whether parents possess a meaningful opportunity to obtain appellate review of substantial constitutional claims affecting their fundamental liberty interests.

Because the questions presented implicate recurring issues concerning procedural due process, meaningful appellate review, and the constitutional protection afforded to the parent-child relationship, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari.

REASONS FOR GRANTING THE PETITION

I. This Case Presents Important Federal Questions Concerning Procedural Due Process in State Child Custody Proceedings.

This petition presents important federal constitutional questions concerning the procedural protections guaranteed by the Due Process Clause of the Fourteenth Amendment in state child custody proceedings.

This Court has repeatedly recognized that the interest of parents in the care, custody, and control of their children is among the oldest and most fundamental liberty interests protected by the Constitution. *Troxel v. Granville*, 530 U.S. 57, 65-66 (2000). Likewise, this Court has recognized that proceedings affecting the parent-child relationship require fundamentally fair procedures because of the profound liberty interests at stake. *Santosky v. Kramer*, 455 U.S. 745, 753-54 (1982).

Petitioner respectfully submits that this case presents substantial constitutional questions concerning whether cumulative procedural restrictions imposed during state custody proceedings deprived Petitioner of a meaningful opportunity to be heard before fundamental parental rights were affected.

These questions extend well beyond Petitioner's individual custody dispute. They concern the constitutional safeguards required whenever state courts adjudicate disputes affecting one of the oldest liberty interests protected by the Fourteenth Amendment.

II. This Case Presents an Important Question Concerning Meaningful Appellate Review of Preserved Federal Constitutional Claims.

Following entry of the August 28, 2024 Family Court Decision and Order, Petitioner pursued every avenue of appellate review available under New York law. Petitioner timely appealed to the Appellate Division, sought leave to appeal to the New York Court of Appeals, and timely sought reargument after leave was denied.

Petitioner contends that, despite exhausting every available state appellate remedy, no appellate court addressed the merits of Petitioner's preserved federal constitutional claims.

This Court has recognized that meaningful access to appellate review may itself implicate constitutional protections where proceedings affect fundamental parental rights. *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996).

The question presented extends beyond this individual case. Child custody litigation frequently involves children whose circumstances change over time, including changes in age, residence, or custodial arrangements. As appeals proceed through multiple levels of state review, those changing circumstances may result in appellate courts declining to reach preserved constitutional questions before they are addressed on the merits.

Petitioner respectfully submits that this case presents an important opportunity for this Court to clarify whether the Fourteenth Amendment permits preserved federal constitutional claims arising from proceedings affecting fundamental parental rights to remain unresolved because of procedural doctrines applied after the trial has concluded.

Without such guidance, parents who diligently pursue appellate review may never receive a merits determination of substantial constitutional claims before the underlying controversy changes through the passage of time.

III. The Cumulative Effect of the Procedural Rulings Alleged by Petitioner Raises an Important Due Process Question.

Petitioner does not seek review of isolated evidentiary rulings standing alone. Rather, Petitioner contends that the cumulative effect of multiple procedural rulings—including discovery sanctions, limitations on the presentation of evidence, restrictions affecting rebuttal testimony, and subsequent procedural barriers to appellate review—collectively deprived Petitioner of a meaningful opportunity to be heard.

This Court has explained that procedural due process is not determined by any single procedural ruling but by consideration of the fairness of the proceedings as a whole. *Mathews v. Eldridge*, 424 U.S. 319, 333-35 (1976).

Petitioner respectfully submits that this case presents an appropriate opportunity for this Court to clarify whether the cumulative effect of procedural restrictions in child custody proceedings may violate the Due Process Clause when those proceedings directly affect the constitutionally protected relationship between parent and child.

IV. Review by This Court Is Warranted Under Rule 10.

Although this petition arises from an individual custody proceeding, the constitutional questions presented are not unique to Petitioner.

The issues presented concern the procedural safeguards required when state courts adjudicate disputes affecting one of the oldest liberty interests recognized by this Court. They further concern whether meaningful appellate review remains available when preserved constitutional claims are rendered effectively unreviewable through the operation of state procedural rules after prolonged litigation.

These questions are capable of recurring in custody proceedings nationwide because such litigation often continues for years while children's circumstances inevitably evolve. The resulting procedural posture may prevent appellate courts from addressing substantial constitutional questions before the controversy changes in a manner that forecloses review.

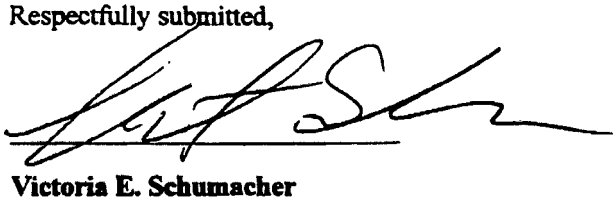
Clarification by this Court would provide important guidance to state courts concerning the constitutional requirements of procedural due process, meaningful appellate review, and the protection of fundamental parental liberty interests under the Fourteenth Amendment.

For these reasons, Petitioner respectfully submits that the Petition satisfies the considerations identified in Rule 10 of the Rules of the Supreme Court of the United States and that a writ of certiorari should issue.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for a Writ of Certiorari, review the judgment of the New York Court of Appeals, and provide guidance concerning the constitutional requirements of procedural due process and meaningful appellate review in state child custody proceedings affecting fundamental parental liberty interests under the Fourteenth Amendment to the United States Constitution.

Respectfully submitted,



Victoria E. Schumacher
Petitioner, Pro Se

Date: July 1, 2026