26-6020

No._____

FILED
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SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

AGUINA
PETITIONER

vs.

CHOONG DAE KANG
RESPONDENT (S)

ON PETITION FOR WRIT OF CERTIORARI TO

COURTS OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPLELLANT DISTRICT DIVISION 2

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Fourteenth Amendment permits a state court to impose enforceable child-support arrears while previously retained jurisdiction over retroactive support modification remains unresolved and without vacatur of prior deferral orders.
2. Whether procedural due process is satisfied when a state appellate court affirms such enforcement without addressing a properly raised claim that the trial court acted contrary to its own retained jurisdiction and sequencing framework.

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Appendix A – Opinion of the California Court of Appeal

Appendix B – **Trial Court Orders and Excerpts Demonstrating Sequencing of Arrears Enforcement and Reserved Retroactive Support**

Appendix C - Order of the California Supreme Court Denying Review

TABLE OF AUTHORITIES

Statutes and Constitutional Provision

28 U.S.C. § 1257(a)

U.S. Const. amend. XIV

OPINIONS BELOW

The opinion of the California Court of Appeal, Fourth Appellate District, Division Two, filed October 7, 2025, is included in Appendix A to this petition. The opinion is unpublished.

The orders of the Superior Court of California, County of Riverside, are included in Appendix B to this petition.

The order of the California Supreme Court denying discretionary review, filed November 25, 2025, is included in Appendix C to this petition.

JURISDICTION

The judgment of the California Court of Appeal, Fourth Appellate District, Division Two, was entered on October 7, 2025.

The California Supreme Court denied discretionary review on November 25, 2025.

This Court has jurisdiction under 28 U.S.C. § 1257(a), which authorizes review of final judgments rendered by the highest court of a State in which a decision could be had.

This petition is timely filed within 90 days of the California Supreme Court's denial of review. See Sup. Ct. R. 13.

CONSTITUTIONAL PROVISION INVOLVED

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

"No State shall ... deprive any person of life, liberty, or property, without due process of law."

STATEMENT OF THE CASE

Petitioner and Respondent were previously married and share minor children. During post-judgment proceedings in California family court, issues of child support, spousal support, and retroactive modification were repeatedly raised.

On August 13, 2013, the trial court expressly retained jurisdiction to make retroactive child and spousal support orders and denied a motion to compel child-support arrears pending further adjudication. The court stated that it would retain jurisdiction to make retroactive orders concerning support. No order vacating that retained jurisdiction or deferral of arrears appears in the record.

On July 22, 2020, the trial court found that Petitioner "does owe arrears in child support of $9,626" and ordered that the arrears be reflected in the minute order. At the time arrears were imposed, the court had not vacated its prior deferral of arrears and had not adjudicated a final retroactive support determination pursuant to its previously retained jurisdiction.

Petitioner subsequently sought retroactive support adjudication through additional filings, including a January 14, 2021, request for order. The trial court later denied retroactive support in September 2022.

On appeal, Petitioner argued that the trial court failed to adjudicate retroactive support consistent with retained jurisdiction and acted inconsistently with prior orders deferring arrears. The Court of Appeal affirmed. Although the opinion referenced the July 22, 2020, arrears finding, it did not address the retained jurisdiction over retroactive support or reconcile the order of proceedings under which arrears were imposed.

The California Supreme Court denied discretionary review on November 25, 2025. This petition follows.

REASONS FOR GRANTING THE PETITION

I. This Case Presents an Important Question Concerning Property Deprivation Without Adjudication of Reserved Rights

The Fourteenth Amendment prohibits a State from depriving any person of property without due process of law. Child-support arrears constitute enforceable financial obligations subject to collection remedies and legal enforcement.

This case presents the question whether a state court may impose enforceable arrears while previously retained jurisdiction over retroactive support modification remains unresolved and without vacatur of prior deferral orders. Where a court expressly reserves jurisdiction to determine retroactive support and defers arrears pending that determination, the order in which obligations are imposed defines the property interest at stake.

The California Court of Appeal affirmed the arrears finding without addressing the sequencing of retained jurisdiction and enforcement authority. The constitutional question presented concerns whether procedural due process permits enforceable financial obligations to be imposed absent adjudication of the baseline support framework that the court had reserved for future determination. Family courts across the Nation routinely retain jurisdiction over support modifications and retroactive adjustments while simultaneously exercising enforcement authority.

The sequencing of adjudication and enforcement is therefore not an isolated issue, but a recurring structural question affecting litigants subject to monetary obligations. Where enforceable arrears may be imposed before adjudication of reserved retroactive rights, the procedural order of proceedings directly determines the financial burden imposed. Clarification from this Court is warranted to ensure that enforcement mechanisms do not precede adjudication in a manner that effectively determines liability without prior resolution of the governing support framework.

II. The Failure of an Appellate Court to Address a Properly Raised Structural Sequencing Claim Raises a Federal Due Process Question

Petitioner presented that the trial court retained jurisdiction over retroactive support and deferred arrears yet later imposed arrears without vacating that retained jurisdiction. The Court of Appeal referenced the arrears finding but did not address the structural order in which obligations were imposed.

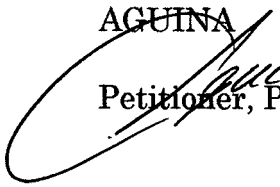
Due process requires a meaningful opportunity to be heard at a meaningful time. Where enforcement precedes adjudication of reserved rights affecting the amount owed, the sequence of proceedings may itself determine the deprivation.

Clarification from this Court is warranted regarding the constitutional limits on enforcement of monetary obligations when retained jurisdiction and retroactive modification remain unresolved.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



AGUINA

Petitioner, Pro Se

Date: May 12, 2026