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Respondent in propria persona
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

VINCENT MICHAEL HYLER,
Petitioner,

v.

CARLI MICHELLE HELLER,
Respondent.

ELECTRONICALLY FILED
9/28/2026 8:00 AM
Superior Court of California
County of Mendocino

By:
Samuel Delgado
Deputy Clerk

Regarding: minor (DOB 9/6/2024).

Case No. 25FL01030 (consolidated with 25FL01032)
Dept. C, Hon. FredRicco McCurry

RESPONDENT'S VERIFIED PETITION FOR ENFORCEMENT OF THE FEBRUARY 11, 2026 FINDINGS AND ORDER AFTER HEARING ON NEW FACTS (Fam. Code, §§ 3448, 3044); REQUEST FOR ORDER TO APPEAR AND FOR RULING; [PROPOSED] ORDER LODGED HEREWITH

I. Introduction

Respondent Carli Michelle Heller, appearing in propria persona, petitions under Family Code section 3448 for enforcement of this Court's Findings and Order After Hearing filed February 11, 2026, on facts that did not exist when the Court denied enforcement on September 9, 2026. This is a new petition, not a request for reconsideration; respondent's September 11, 2026 request for reconsideration of the September 9 order remains pending and this petition does not depend on it.

Each ground below rests on the four corners of this Court's own record. Respondent does not ask the Court to relitigate any factual dispute. She asks the Court to read what is already in its file and enter the only order that record permits.

On September 10, 2026, this Court wrote that "if respondent believed that the Court's decisions and orders were erroneous, her remedy was to file an appeal or writ petition." (Order Striking Verified Statement of Disqualification, Sept. 10, 2026, p. 6.) Respondent

filed a petition for writ of mandate in the Court of Appeal, First Appellate District, Division Two, on September 13, 2026 (No. A177556). On September 23, 2026, that court notified the parties that it is considering issuing a peremptory writ in the first instance directing this Court to vacate its September 9, 2026 order, and asked the parties which orders govern now and what governs upon the expiration of the temporary order (Exh. F). This petition asks the Court to enter now the order that writ would compel.

II. The order to be enforced

1. The Findings and Order After Hearing filed February 11, 2026 (Exh. A) awards respondent sole physical custody of born September 6, 2024, and at paragraph 6(c) authorizes the child's residence with respondent in Florida. It was prepared by petitioner's counsel and signed by her as conforming to the court's order. It was filed in both consolidated cases. On May 26, 2026, this Court "reminded the parties that the FOAH issued on February 11, 2026, contained the standing orders for the parties to follow" (Order of Sept. 10, 2026, p. 2; Verified Answer ¶ 5: "in both cases"). No order of this Court or of any court has vacated, stayed, or modified it.

III. It is the only custody order in force

2. The temporary emergency order of August 12, 2026 (Exh. B) provided on its face that it would expire at the hearing of September 2, 2026 unless extended by court order. The minutes of September 2, 2026 (Exh. C) contain no extension. The certified minutes state that the Court "must respond to" respondent's August 31 statement of disqualification, "which will not occur this morning"; that "[b]oth the Motion and the Order to Show Cause are continued to September 15, 2026, at 9:30 a.m. in Department 'C'"; and that "[t]he pending ex parte will be deferred to Judge Pekin pending recusal." The minutes reflect no other order. No order of any court entered since September 2, 2026 places the child with anyone but respondent. The February 11, 2026 order is therefore the only custody determination in force.

IV. The legal futility of any extension, written or oral

3. Respondent anticipates the suggestion that the August 12 order was, or could now be, extended. It was not and it cannot be, for four independent reasons.

(a) An order that has expired by its own terms is not extended; it is gone. What would be entered in its place is a new temporary custody order, which requires the findings of Family Code section 3064 (immediate harm) that the August 12 order itself did not contain on its face: within item 3a of the FL-305, the domestic-violence, sexual-abuse, and firearms boxes are unchecked, and the only stated basis — "has impeded visitation and concealed the child while not being able to properly care for him" — is contradicted

by paragraph 6(c) of the Court's own February 11 order authorizing the Florida residence. (Verified Statement of Disqualification, Aug. 31, 2026, Ground One.)

(b) No oral extension exists. The certified September 2 minutes record none; they record a continuance, a deferral, and a statement that the Court would not respond to the disqualification that morning. The Court's own order of September 10, 2026, reciting its procedural history, recites no extension either. An extension that appears neither in the minutes nor in the Court's own recital of its history is not an order.

(c) Any award of custody to petitioner Vincent Michael Hyler — by extension, by new order, or nunc pro tunc — requires the findings of Family Code section 3044 (Part V, below). None has ever been made in this case. None can be made on this record, because no evidence rebutting the presumption has ever been offered.

(d) On September 23, 2026, the Court of Appeal asked the parties which orders govern now and what governs upon the temporary order's expiration. Any order entered by this Court while that question is pending is reviewed by that court on that exact question, on the record as it stood on September 2, 2026.

V. Family Code section 3044

4. Section 3044 establishes a rebuttable presumption that an award of sole or joint physical or legal custody to a person who has perpetrated domestic violence within the previous five years is detrimental to the best interest of the child. The presumption applies to every custody determination, including interim and ex parte determinations (In re Marriage of Fajota (2014) 230 Cal.App.4th 1487). Failure to perform the analysis is per se reversible (Jaime G. v. H.L. (2018) 25 Cal.App.5th 794; In re Marriage of J.G. and K.G. (2025) 110 Cal.App.5th 1214). An out-of-state domestic-violence finding triggers the presumption (Ellis v. Lyons (2016) 2 Cal.App.5th 404). If the court finds the presumption rebutted, it must state its reasons in writing or on the record (§ 3044, subd. (f)(2)); and as amended effective January 1, 2026, the statute further requires a court making a custody determination, including a temporary one, to consider the restrained party's compliance with firearm-relinquishment orders.

5. Two findings of record predate the August 12 order. On March 20, 2025, this Court issued a domestic violence restraining order against petitioner Vincent Michael Hyler (Exh. H) — a finding in this Court's own file; the July 3, 2025 dismissal terminated the order, not the finding (§ 3044, subd. (d)(2)). On July 6, 2026, the Circuit Court for Lee County, Florida (Hon. James D. Sloan), Case No. 26-DR-031586, entered a temporary injunction under Florida Statutes section 741.30 finding respondent a victim of domestic violence in immediate and present danger perpetrated by Vincent Michael Hyler (Exh. I); the later without-prejudice dismissal did not vacate that finding.

6. The history of the presumption in this case is short, because it has never been applied:

- March 20, 2025 — domestic violence restraining order against Vincent Michael Hyler, with a firearm-surrender directive that the record shows was not fully satisfied (the DV-800 receipt of record lists two firearms; respondent has sworn to a third).
- February 11, 2026 — Findings and Order After Hearing awarding respondent sole physical custody: the one custody order in this case consistent with section 3044.
- July 6, 2026 — second domestic-violence finding, Lee County, Florida.
- August 12, 2026 — ex parte order placing the child with Vincent Michael Hyler, five weeks after the Florida finding and seventeen months after this Court's own, with no section 3044 analysis in the order, no written finding on the presumption, and no on-the-record finding at the ex parte hearing. The seven rebuttal factors of section 3044(b)(2) were not weighed. The presumption was not addressed.
- August 19, 2026 — the child removed from respondent's home in Bonita Springs, Florida, by armed deputies under that order.
- September 2, 2026 — the August 12 order expired; no extension; no section 3044 findings.
- September 9, 2026 — enforcement of the section-3044-consistent order denied without addressing the presumption.
- September 10, 2026 — respondent's Verified Statement of Disqualification, which pleaded the section 3044 omission as Ground Four, stricken under section 170.4(b) without any finding that the omission had not occurred.
- To date — no order of this Court entered after February 11, 2026 has applied the presumption. The child has been held since September 2, 2026 by the party against whom both findings were made, under no order at all.

7. The consequence is not academic. Because the presumption has never been applied, respondent — the protected party under two domestic-violence findings — has, since the August 12 order forty-four days ago, and without her child for thirty-seven, been the parent without her son, and the party against whom both findings were made the one holding him, on an order that contained no finding the statute requires and that has since expired. There is nothing to extend and nothing to substitute. The only order this record permits is enforcement of the February 11, 2026 order.

VI. New facts since September 9, 2026

8. (a) On September 22, 2026, the February 11, 2026 order was registered in the Circuit Court for Lee County, Florida, under Florida Statutes section 61.528, Filing No. 257511473, accepted 9:26 a.m. (Exh. E). It is enforceable in Florida as a Florida order.

(b) On September 23, 2026, the Court of Appeal issued the notice described in Part I (Exh. F). Respondent answered its four questions on September 24, 2026. Petitioner's counsel's informal opposition is due October 1, 2026.

(c) On September 24, 2026, the Florida court held its enforcement proceeding in abeyance pending the Court of Appeal's ruling, stating that it "will resume enforcement" once California enters an order ripe for enforcement (Exh. G). Enforcement of the only custody order in existence, in either state, now waits on this Court or the court above it.

VII. The child's circumstances, and this Court's record on them

9. The child is two years old and has neurodevelopmental delays from sustained severe prenatal and postnatal trauma. He is held by Vincent Michael Hyler and Judy Hyler at addresses on Laughlin Way, Redwood Valley, under no order since September 2, 2026. His location has not been disclosed to respondent despite written demands of August 21, 22, and 31, 2026. On August 31, 2026, respondent applied ex parte for an order compelling disclosure of the child's whereabouts and care status (Fam. Code, §§ 3429, 3430). The docket records it, filed September 2, 2026, as "EX PARTE APPLICATION FOR ORDER TO DISCLOSE MEDICAL VULNERABLE CHILD WHEREABOUTS FILED BY RS **DENIED**." The denial, signed by Judge Pekin on September 2, 2026 at 12:56 p.m., states in full: "DENIED, no actual exigency shown. No showing why this should not be brought by noticed motion. Based on this Court's review of the file, the proposed ex parte seeks to circumvent a TECO while disqualification is pending as to judge who issued the TECO." (Exh. L.) The temporary order the Court declined to "circumvent" had expired that morning. On the record that same morning respondent stated that she did not know the whereabouts of her son and that he was not receiving his medical care. No court, counsel, or family member has disclosed his address, caregivers, or medical status since August 19, 2026. His occupational therapy and Early Steps services in Florida have been interrupted since August 19, 2026; the Court has not addressed them.

10. On August 11, 2026, when petitioner's counsel urged the Court to strike respondent's filed documents as procedurally improper, the Court responded, in words or substance: "I'm not going to strike it from the record, but I'm simply not going to take any action on what she's filed," referring to their contents as "whatever the requests are that may be in there, a request for order or something." Respondent's filings contained sworn evidentiary material. (Verified Statement of Disqualification, Aug. 31, 2026, Ground Five, personally served on the Court; the Court's Verified Answer of Sept. 10, 2026 denies respondent's account only "[t]o the extent" it is "inconsistent" with the record, ¶ 12.) The next day the Court signed the August 12 order.

11. On September 9, 2026, respondent's petition under section 3448, her verified warrant application under section 3451, and her proposed Order and Warrant were filed and conformed at the family law window, with a certified copy of the February 11 order as Exhibit A. At 2:49 p.m. the proposed Order and Warrant came back with a diagonal line through it and a handwritten notation signed by Judge Pekin: "DENIED, this motion was denied on 9-4-26. It was not rejected for failure to pay a fee." No order dated September 4, 2026 appears on the docket and none was served. On September 4 the Court's own electronic filing system had told respondent in writing that the submission was "Rejected" — "1 - Rejected NO FEES PAID NO FEE WAIVER IN CASE." The same courthouse thus holds two irreconcilable accounts of September 4. No order to appear under section 3448, subdivision (c), has ever issued on the September 9 petition. On September 10, 2026, court administration wrote that "your copies of the ex parte are available for pick up" and that they had not been emailed because "there was no email address on the pleadings"; respondent's email address appears in the caption of every pleading she has filed.

12. No order of this Court entered since February 11, 2026 references the contents of any of respondent's filings. Supplemental Declaration No. 2 and Exhibit F — fifteen pages of timestamped Ring camera still frames documenting the incidents sworn in the warrant application — were filed September 10, 2026, after the notation, and have never been before any judicial officer; the underlying recordings have never been viewed by this Court.

VIII. Request that the Court review the entire file before ruling

13. Respondent asks that, before ruling on this petition, the Court review the whole of its file in both consolidated cases, and in particular: (a) respondent's declarations of April 2025 and the record of the period in which respondent and the child lived in Redwood Valley, through March 2025, which the March 20, 2025 restraining order addresses; (b) Supplemental Declaration No. 2 and Exhibit F (Sept. 10, 2026) and the underlying Ring camera recordings, which no judicial officer has viewed; (c) respondent's written demands of August 21, 22, and 31, 2026 for the child's location and medical information; (d) the occupational-therapy evaluation, the Middendorf summary, and the Young report concerning the child's delays and interrupted services; and (e) the Verified Statement of Disqualification of August 31, 2026, Grounds One through Five, as a statement of the record rather than as a renewed challenge — its review lies in the Court of Appeal (§ 170.3, subd. (d)), and respondent does not renew it here.

IX. Statements required by Family Code section 3448, subdivision (b)

14. (1) The issuing court is this Court. Vincent Michael Hyler invoked its jurisdiction by petition filed March 17, 2025; it has continuing, exclusive jurisdiction (§ 3422). The

February 11, 2026 order does not separately recite the jurisdictional basis relied upon. (2) The February 11, 2026 order has not been vacated, stayed, or modified by any court; the only later custody order, of August 12, 2026, was temporary, contained no section 3044 findings, and expired on September 2, 2026. (3) Proceedings that could affect this proceeding: Heller v. Superior Court, First Appellate District, Division Two, No. A177556 (Palma notice issued Sept. 23, 2026; informal opposition due Oct. 1, 2026); Circuit Court for Lee County, Florida, Nos. 26-DR-006457 (enforcement petition and warrant application, held in abeyance Sept. 24, 2026 pending A177556) and 26-DR-005826; Sixth District Court of Appeal, Florida, No. 6D2026-2448 (mandamus). (4) The child is held by Vincent Michael Hyler and Judy Hyler at addresses on Laughlin Way, Redwood Valley, California 95470; his precise present location has been withheld from respondent since August 19, 2026. (5) Relief in addition to immediate physical custody is sought: disclosure of the child's location and medical information; assistance of law enforcement (§ 3450, subd. (b)); fees, costs, and expenses (§ 3452). (6) The order was registered in the Circuit Court for Lee County, Florida, on September 22, 2026 (Filing No. 257511473); registration in this Court is not required, this Court being the issuing court. A certified copy of the order to be enforced is attached as Exhibit A (§ 3448, subd. (a)).

X. Relief requested

15. Family Code section 3448, subdivision (c), provides that upon the filing of a petition the court shall issue an order directing the respondent to appear in person, with or without the child, at a hearing on the next judicial day after service. Respondent requests that the Court: (1) issue that order forthwith, directing Vincent Michael Hyler and Judy Hyler to appear with the child; (2) at the hearing, or on the papers if no defense under section 3450, subdivision (a), is asserted, vacate its order of September 9, 2026, grant this petition, and order under section 3450 that respondent may take immediate physical custody of the child under the February 11, 2026 Findings and Order After Hearing; (3) order Vincent Michael Hyler and Judy Hyler to deliver the child to respondent forthwith, with the assistance of law enforcement (§ 3450, subd. (b); §§ 3130 et seq.); (4) order the child's location and current medical and therapy information disclosed to respondent immediately; (5) award fees, costs, and expenses under section 3452; (6) find on the record, as Family Code section 3044 requires, that the presumption applies to Vincent Michael Hyler and has not been rebutted, and that no award of custody to him may be made absent the findings the statute requires; and (7) sign the [Proposed] Order lodged with this petition. Respondent's verified application of September 9, 2026 for a warrant under section 3451 stands and is renewed: the child's location has been withheld for thirty-seven days by parties holding him under no order, and the Court has been asked once already, on September 2, to require its disclosure.

16. Respondent will advise the Court of Appeal of this Court's action or inaction on this petition on October 1, 2026, the date set for real party's informal opposition in No. A177556.

Exhibits

A — Findings and Order After Hearing, Feb. 11, 2026 (FL-340 with attachment and July 3, 2025 transcript). B — Temporary emergency order (FL-305) and FL-341(B), Aug. 12, 2026. C — Minutes, Sept. 2, 2026. D — Proposed Order and Warrant bearing the handwritten notation of Sept. 9, 2026. E — Lee County registration acceptance, Sept. 22, 2026 (Filing 257511473). F — Court of Appeal order, A177556, Sept. 23, 2026. G — Lee County order, Sept. 24, 2026 (Filing 257797868). H — Domestic violence restraining order, Mar. 20, 2025. I — Temporary injunction, Lee County No. 26-DR-031586, July 6, 2026. J — Order Striking Verified Statement of Disqualification and Verified Answer, Sept. 10, 2026. K — Verified Statement of Disqualification, Aug. 31, 2026. L — Ex Parte Application to Disclose Child's Whereabouts and Care Status, Aug. 31, 2026, with the handwritten denial of Sept. 2, 2026 (Hon. Patrick Pekin).

VERIFICATION

I, Carli Michelle Heller, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own personal knowledge, except as to matters stated on information and belief, which I believe to be true. Executed on September 25, 2026, at Bonita Springs, Florida.

Carli Heller

Carli Michelle Heller
Respondent in propria persona

PROOF OF SERVICE

I, Carli Michelle Heller, declare that on September 25, 2026, I served the foregoing document, with its exhibits, by electronic mail on counsel for Petitioner Vincent Michael Hyler, Kali S. Perkins, Perkins Family Law, PC, 125 E. Mill St., Ukiah, CA 95482 (kali@perkins-familylaw.com), and by first-class mail, postage prepaid, on Judy Hyler at 9501 Laughlin Way, Redwood Valley, California 95470. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Carli Michelle Heller
Respondent in propria persona