ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL. **JOSEPH RICHARD SARACINO AND** **CYNTHIA HUTTO SARACINO** **104 Chatsworth Road** **Greer, South Carolina 29651** **Relators**	:	**CASE NO. 12-1590** **ORIGINAL ACTION IN PROHIBITION**
v.	:	**EXPEDITED: This action involves the adoption of a minor - S.Ct.Prac.R. 10.10**
JUDGE JOHN M. WILLIAMS **Hamilton County Common Pleas Court** **Juvenile Division** **800 Broadway Street** **Cincinnati, Ohio 45202** **Respondent**	:	

FILED
OCT 12 2012
CLERK OF COURT
SUPREME COURT OF OHIO

RELATORS' MEMORANDUM IN OPPOSITION TO RESPONDENT'S MOTION TO DISMISS

Michael R. Voorhees (0039293)
Voorhees & Levy LLC
11159 Kenwood Road
Cincinnati, Ohio 45242
Telephone: (513) 489-2555
Fax: (513) 489-2556
mike@ohioadoptionlawyer.com

Counsel for Relators

Christian J. Schaefer (0015494)
Hamilton Co. Assistant Prosecuting Atty.
230 E. Ninth Street, Suite 4000
Cincinnati, Ohio 45202
Telephone: (513) 946-3041
Fax: (513) 946-3018

Counsel for Respondent

RECEIVED
OCT 12 2012
CLERK OF COURT
SUPREME COURT OF OHIO

Now come the Relators, Joseph and Cynthia Saracino, by and through counsel, and in opposition to Respondent's Motion to Dismiss, state the following:

The birth-mother has consented to the adoption (Exhibit A). The birth-father has now consented to the adoption (Exhibit B). The adoption placement has ICPC approval (Exhibit C). The adoption proceeding was initiated in the South Carolina court prior to any filing in the Ohio court (Exhibit D). Respondent patently and unambiguously does not have jurisdiction.

It is noteworthy that Respondent did not mention *In re Adoption of Asente* (2000), 90 Ohio St.3d 91, 2000 Ohio 32, 734 N.E.2d 1224, which is directly on point. There is no question that the first filing with any court in this matter was on July 13, 2012 in the Family Court of Greenville County, South Carolina. There is no question that the first filing in the Hamilton County Juvenile Court was subsequent to that date. This Supreme Court has repeatedly cited *Asente* for "the bedrock proposition that once a court of competent jurisdiction has begun the task of deciding the long-term fate of a child, all other courts are to refrain from exercising jurisdiction over that matter." *Id.* at 92.

The Complaint to adopt the child was filed in the Family Court of Greenville County, South Carolina on July 13, 2012. Based upon the ICPC approval and the new information regarding the putative father, an Amended Complaint was filed with the South Carolina court on July 27, 2012. Pursuant to Rule 15(c) of the South Carolina Rules of Civil Procedure, the effective date of the Amended Compliant relates back to the date of the original pleading, which was July 13, 2012. Therefore, the case filed in the Family Court of Greenville County, South Carolina under Case No. 2012-DR-23-3160, by the Complaint and the Amended Complaint, was initiated on July 13, 2012.

Both birth-parents have now consented to both the adoption and the jurisdiction of the South Carolina court. Any and all questions as to the validity of any filing with the South Carolina court are to be addressed by the South Carolina court. On July 13, 2012, the jurisdiction of the South Carolina court was invoked and that court begun the task of deciding the long-term fate of this child and all other courts are to refrain from exercising jurisdiction over that matter. To deny the requested Writ of Prohibition would be to effectively overrule the *Asente* holding that has been cited by this Supreme Court many times. Respondent's Motion to Dismiss must be denied and this Compliant needs to be heard and considered by this Supreme Court.

Respondent cited no Ohio statute that would properly invoke the jurisdiction of the Ohio court in this case. The filing in the Ohio court was filed as a dependency case by the Hamilton County Department of Job and Family Services, Hamilton County, Ohio ("HCDJFS"). It was never filed as a paternity case. Therefore, R.C. 2151.23(B) is not applicable. Respondent cited R.C 2151.23(A), which states under subparagraph (2) that the Juvenile Court has jurisdiction "to determine the custody of any child not a ward of another court of this state." When the first filing in the Hamilton County Juvenile Court was made, the child was already subject to the filing made in the Family Court of Greenville County, South Carolina and the child was a ward of that South Carolina court. Since that court was not in Ohio, R.C. 2151.23 does not even apply. When courts in different states are in conflict, the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), codified in Ohio at R.C. 3127.01 et seq., would apply to determine what court has jurisdiction, although pursuant to R.C. 3127.02 the UCCJEA does not apply to adoption proceedings. Jurisdiction of the Ohio court cannot be invoked under the UCCJEA. To exercise any jurisdiction over the custody issues relating to the child, Respondent must have some basis for jurisdiction under the UCCJEA, which is not present in this case. The child was placed for adoption on July 12, 2012

and the adoption proceeding in South Carolina was filed on July 13, 2012, which was prior to the first filing in the Ohio court. Even if the UCCJEA did apply, Respondent could only exercise jurisdiction over the child under either R.C. 3127.15 or R.C. 3127.18. R.C. 3127.15 relates to the initial determination and the first commencement of a proceeding, which is clearly in the South Carolina court. R.C. 3127.18 relates to temporary emergency jurisdiction if a child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child is subjected to or threatened with mistreatment or abuse. These circumstances were never present and were never even alleged. The child was wrongfully removed from the physical custody of the Relators on July 16, 2012 and returned on July 23, 2012. In fact, when the child was wrongfully removed by HCDJFS, the child was in Kentucky at the airport. The child was not even present in Ohio. HCDJFS actually went into another state and brought the child back into Ohio. The Hamilton County Juvenile Court has no jurisdiction under the UCCJEA or otherwise.

Respondent claims that Relators must have no other adequate remedy in the ordinary course of law. "[I]f a lower court patently and unambiguously lacks jurisdiction to proceed in a cause, prohibition * * * will issue to prevent any future unauthorized exercise of jurisdiction and to correct the results of prior jurisdictionally unauthorized actions. . . In those cases where jurisdiction is patently and unambiguously lacking, the requirement of the lack of an adequate remedy at law need not be proven, because the availability of alternate remedies like appeal is immaterial." *Rosen v. Celebrezze* (2008), 117 Ohio St. 3d 241, 244; 2008 Ohio 853; 883 N.E.2d 420. This was cited in the Complaint and Respondent failed to address this pertinent case law.

Respondent lacks jurisdiction under the UCCJEA to make any custody determination. "[T]his is not a mere error in the exercise of jurisdiction; it is a defect in the Ohio court's subject-matter jurisdiction." *Rosen v. Celebrezze* (2008), 117 Ohio St. 3d 241, 248; 2008 Ohio 853; 883

N.E.2d 420. "Because subject-matter jurisdiction goes to the power of the court to adjudicate the merits of a case, it can never be waived and may be challenged at any time." *Id.* at 249. The mere fact that Respondent has basic statutory jurisdiction to determine custody matters under R.C. 2151.23, "does not preclude a more specific statute like *R.C. 3127.15* from patently and unambiguously divesting the court of such jurisdiction." *Id.* at 249. Further, even though the South Carolina was filed prior to the Ohio case and has priority over the Ohio case, it does not matter for this issue "because the Ohio court does not have 'jurisdiction substantially in conformity' with the UCCJEA and therefore priority is irrelevant." *Id.* at 249.

Relators did file in the Hamilton County Juvenile Court for a Writ of Habeas Corpus for the return of the child to their physical custody. The filing was made, not to determine custody, but to secure the return of the child to the lawful custody of the Relators. There was no need for a determination of custody because the child was already in the lawful custody of the Relators. The unmarried birth-mother transferred custody of the child to the Relators, the placement received ICPC approval, and the South Carolina statute provides that the Relators have custody upon the filing of the adoption petition. All three of these are valid and lawful methods to transfer and secure custody of the child with the Relators. All three of these occurred prior to the unlawful removal of the child from the Realtors in Kentucky and prior to any filing in the Ohio court. Further, Relators have stated in each and every filing in the Hamilton County Juvenile Court that they are not submitting to the jurisdiction of that court and reserve the right to challenge the jurisdiction of that court. The denial of the Writ of Habeas Corpus was in error, but Realtors did not appeal that denial because the child was returned to the custody of the Relators on that same day. Therefore, the goal of the request for a Writ of Habeas Corpus was accomplished. Relators made no concessions or acknowledgments as to the jurisdiction of the Ohio court and made it clear to everyone involved

that they would be pursuing the adoption in the South Carolina court based upon their ICPC approved adoption placement from the birth-mother. The birth-father has now signed a irrevocable consent and Relators are moving forward with the adoption in South Carolina.

The Hamilton County Juvenile Court did not place the child with the Realtors. The birth-mother placed the child with the Realtors and the ICPC approved the placement. The ICPC approval was prior to any filings in the Ohio court. Respondent misunderstands the meaning of the term "jurisdiction" in Article V of the ICPC (R.C. 5103.23). It is well established that the ICPC does not determine whether a court may exercise jurisdiction over an adoption proceeding. In Article V, the term "jurisdiction" merely refers to which party in an adoption proceeding is responsible for a child's well being. *In re Adoption of Asente* (2000), 90 Ohio St. 91, 99-100, 734 N.E. 2d 1224, 1231. The sending agency in this case is the birth-mother, who directly placed the child with the Relators. The birth-mother has signed her irrevocable consent, but she is the party to be consulted in Ohio regarding the disposition of the child in the event the adoption does not ultimately finalize in South Carolina. Both birth-parents have signed irrevocable South Carolina consents and both birth-parents have consented to the jurisdiction of the South Carolina court.

WHEREFORE, the Relators, Joseph Richard Saracino and Cynthia Hutto Saracino, by and through counsel, respectfully request this Court to deny Respondent's Motion to Dismiss and issue the alterative writ and to expedite this action and to issue a Writ of Prohibition that prohibits the Respondent, Judge John M. Williams, and his Court, from proceeding with Case Number F12-1458x of the Hamilton County Juvenile Court, and that directs the Respondent, Judge John M. Williams, and his Court, to dismiss the matter in its entirety, and that directs the Respondent, Judge John M. Williams, and his Court, to enter a finding that all orders entered in the matter to be void ab initio,

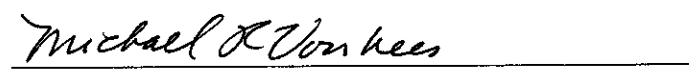
and that directs the Respondent, Judge John M. Williams, and his Court, to exercise no further jurisdiction over this matter, until at least after the adoption proceedings in South Carolina have concluded, and that the Relators be awarded costs, attorney fees, and such other and further relief as the Relators may be entitled under law or in equity.

Respectfully submitted,

Michael R. Voorhees (0039293)
Voorhees & Levy LLC
11159 Kenwood Road
Cincinnati, Ohio 45242
(513) 489-2555 phone
(513) 489-2556 fax
mike@ohioadoptionlawyer.com
Counsel for Relators, Joseph and Cynthia Saracino

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum has been sent by regular U.S. mail this 11th day of October, 2012 to: Christian J. Schaefer, Attorney for Respondent, 230 E. Ninth Street, Suite 4000, Cincinnati, Ohio 45202.



Michael R. Voorhees (0039293)

EXHIBIT A

CONSENT OF BIRTH MOTHER

STATE OF OHIO)
) CONSENT FOR ADOPTION OF CHILD
COUNTY OF Hamilton)

PERSONALLY appeared before me, Natasha Lloyd, who, after being duly sworn says:

NL 1. I am Natasha Snow Lloyd; a resident of Cleves, Ohio. I am Caucasian, unmarried, and twenty-two (22) years of age. My date of birth is December 28, 1989. My permanent address is 277 East State Road, Cleves, Ohio 45002.

NL 2. I have given birth to a Caucasian female child on July 9, 2012, at Good Samaritan Tri Health Hospital, in Cincinnati, State of Ohio. I have named the baby Gabriella Rose Saracino.

NL 3. I believe it is in the best interest of this child to be placed for adoption.

NL 4. I hereby forfeit all rights and obligations with respect to this child, including any future child support obligation.

NL 5. I surrender custody to Joseph and Cynthia. I consent to the adoption of the child by a couple approved by the Family Court.

NL 6. I waive my right to receive further notice of any adoption proceedings unless the proceedings are contested by another person or agency.

NL 7. I am not under the influence of any drugs or intoxicants. I execute this consent freely and voluntarily, without duress or through coercion of any nature or description, and I know that the child will be placed for adoption. I have not received any fee, compensation or anything else of value in exchange for giving this consent to adoption.

___ 8. I affirm that _____ is the biological father of this child and he resides at _____.

or

NL X I refuse to name the biological father

or

___ I do not know the identity of the biological father.

NL 9. I affirm that I have received no assistance from any Birth Father, nor have I lived with any other male whatsoever. In addition, no Birth Father has paid any expenses in connection with my pregnancy or with the birth of the minor child, including, but not limited to medical, hospital, and nursing expenses.

NL 10. I understand that this Consent must not be given if counseling or legal advice is

needed. I do not need or desire counseling or legal advice at this time.

NN 11. I understand that this consent is final and cannot be withdrawn except by a Court Order which finds that the consent was not given voluntarily or was given under duress or through coercion and that it would be in the best interest of the child to allow the consent to be withdrawn. I also acknowledge that the entry of the final adoption decree renders this consent irrevocable.

NN 12. My ethnic background is English. I am/**am not** (circle one) a registered member of a Native American Indian Tribe. If yes, what tribe? _____

NN 13. I UNDERSTAND THAT THERE ARE ALTERNATIVES TO PLACING MY CHILD FOR ADOPTION. I HAVE CONSIDERED THESE ALTERNATIVES AND I BELIEVE THAT ADOPTION IS IN MY CHILD'S BEST INTEREST. I ALSO UNDERSTAND THAT ONCE I SIGN THIS DOCUMENT, I CANNOT CHANGE MY MIND.

IN WITNESS WHEREOF, I have signed this instrument of this 12 day of July 2012, at 10:15 A.M./P.M. at ~~Good Samaritan Tri-Health Hospital, in~~ Cincinnati, Ohio.

Natasha Snow Lloyd

Natasha Snow Lloyd, Birth Mother

SWORN to before me this 12 day of July, 2012.

Ellen Essig

Notary Public for Ohio

My Commission Expires NA

NOTARIAL SEAL STATE OF OHIO

ELLEN ESSIG, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission has no expiration date
Ohio Revised Code, Sec. 147.03

We the undersigned witnesses, sign our names to this instrument and we hereby declare, affirm and certify that the Deponent signed and executed this instrument in the presence of each of us and that prior to the signing of the document, the provisions of the document were discussed with the Deponent. Based upon this discussion, it is each of our opinion that the Consent was given knowingly, intentionally, voluntarily, and freely.

Ellen Essig
WITNESS #1

Caitlin Jane Floyd
WITNESS #2

I, Ellen Essig, Esq., one of the witnesses to the signing of this document, hereby affirm that I am a licensed Certified Investigator approved by the Department of Social Services or an Attorney licensed to practice law in the State of Ohio, and I do not represent the prospective adoptive parents.

Ellen Essig

Ellen Essig, Esq.
Bar #: 0037344

SWORN to before me this
12 day of July, 2012.

Ellen Essig

Notary Public for Ohio
My Commission Expires: 12

NOTARIAL SEAL
STATE OF O

ELLEN ESSIG, Attorney at
NOTARY PUBLIC, STATE OF C
My Commission has no expiration
Ohio Revised Code, Sec. 147.03

I acknowledge that I have been provided a copy of the Consent signed by me on 12 day of July, 2012.

Natasha Snow Lloyd

Natasha Snow Lloyd, Birth Mother

SWORN to before me this
12 day of July, 2012.

Ellen Essig

Notary Public for Ohio
My Commission Expires: _____

NOTARIAL SEAL
STATE OF OHIO

ELLEN ESSIG, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission has no expiration date.
Ohio Revised Code, Sec. 147.03

STATE OF OHIO	)	**CONSENT TO JURISDICTION**
COUNTY OF Hamilton	)	**AND**
	)	**CHOICE OF LAW**

IN THE ADOPTION OF FEMALE INFANT LLOYD

The undersigned, being first duly sworn, says:

I, Natasha Snow Lloyd, being duly sworn, depose and say that:

1. I am the birth mother of Baby Lloyd, a female child born on July 9, 2012 at Good Samaritan Tri Health Hospital in Cincinnati, Ohio. I make this affidavit in support of the petition of the Adoptive Couple.
2. I understand the Adoptive Couple resides in the State of South Carolina and will be filing a petition to adopt my child in South Carolina. I have consented to the adoption of my child and understand that my Relinquishment will be accepted by the South Carolina Court.
3. I understand that as an Ohio resident I am entitled to sign a document known as a Consent to Adoption with all its rights and privileges. However, knowing that the adoption will be finalized in South Carolina I am choosing to sign South Carolina surrender documents.
4. I have also been advised that under South Carolina law, my Relinquishment can be signed anytime after the birth of the child and that my Relinquishment is irrevocable upon signing. I have been advised that I may challenge the validity of my Relinquishment only by filing a petition in South Carolina alleging fraud, coercion, duress, or that I did not sign the Relinquishment voluntarily and that my child's best interest would be served by being removed from the care of the adoptive parents.

5. Having been informed about the law in both South Carolina and Ohio, I hereby submit to the jurisdiction of the State of South Carolina. I agree that all matters relating to the adoption of my child, including, but not limited to the right to revoke my Relinquishment, to notice of further proceedings in the adoption and termination of my parental rights, shall be determined in accordance with the laws of the State of South Carolina.

6. Further, I have been advised of my right to seek counsel from my own attorney and have received the advice of my own attorney.

This the 12 day of July 2012.

Natasha Snow Lloyd

Natasha Snow Lloyd, Birth Mother

SWORN TO BEFORE ME this the 12 day of July 2012.

Ellen Essig

Notary Public for the State of Ohio
My Commission Expires: 12/4/

NOTARIAL SEAL STATE OF OHIO

ELLEN ESSIG, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission has no expiration date.
Ohio Revised Code, Sec. 147.03

EXHIBIT B

CONSENT OF BIRTH FATHER

STATE OF OHIO)
) CONSENT FOR ADOPTION OF CHILD
COUNTY OF CLERMONT)

PERSONALLY appeared before me, Paul Williams, who, after being duly sworn says:

PW 1. I am Paul Williams; a resident of Cincinnati, Ohio. I am Caucasian, single, and twenty-four (24) years of age. My date of birth is 12-21-87. My permanent address is 7436 BUENA VISTA DR. CLEVES OH. 45002.

PW 2. I am the biological father of a Caucasian female who was born to Natasha Lloyd on July 9, 2012, at Good Samaritan Hospital, Cincinnati, Ohio. I know the child as Gabrielle Rose Saracino.

PW 3. I believe it is in the best interest of this child to be placed for adoption.

PW 4. I hereby forfeit all rights and obligations with respect to this child, including any future child support obligation. I understand that giving this Consent does not relieve me from the obligation to pay a child support arrearage unless approved by the Court.

PW 5. I consent to the adoption of the child by a couple approved by the Family Court.

PW 6. I waive my right to receive further notice of any adoption proceedings unless the proceedings are contested by another person or agency.

PW 7. I am not under the influence of any drugs or intoxicants. I execute this consent freely and voluntarily, without duress or through coercion of any nature or description, and I know that the child will be placed for adoption. I have not received any fee, compensation or anything else of value in exchange for giving this consent to adoption.

PW 8. I understand that this Consent must not be given if counseling or legal advice is needed. I do not need or desire counseling or legal advice at this time.

PW 9. I understand that this consent is final and cannot be withdrawn except by a Court Order which finds that the consent was not given voluntarily or was given under duress or through coercion and that it would be in the best interest of the child to allow the consent to be withdrawn. I also acknowledge that the entry of the final adoption decree renders this consent irrevocable.

PW 10. I UNDERSTAND THAT THERE ARE ALTERNATIVES TO PLACING MY CHILD FOR ADOPTION. I HAVE CONSIDERED THESE ALTERNATIVES AND I BELIEVE THAT ADOPTION IS IN MY CHILD'S BEST INTEREST. I ALSO UNDERSTAND THAT ONCE I SIGN THIS DOCUMENT, I CANNOT CHANGE MY MIND.

IN WITNESS WHEREOF, I have signed this instrument of this 2ND day of October 2012, at 5:00 A.M./P.M. at 1 Crestview Dr, in Milford, Ohio.

Paul Williams

Paul Williams, Birth-Father

SWORN to before me this 2nd day of October, 2012.

Notary Public for Ohio
My Commission Expires: MARK E. ROBINSON, Attorney at Law NOTARY PUBLIC - STATE OF OHIO My commission has no expiration date. Section 147.03 R. C.

NOTARIAL SEAL STATE OF OHIO

We the undersigned witnesses, sign our names to this instrument and we hereby declare, affirm and certify that the Deponent signed and executed this instrument in the presence of each of us and that prior to the signing of the document, the provisions of the document were discussed with the Deponent. Based upon this discussion, it is each of our opinion that the Consent was given knowingly, intentionally, voluntarily, and freely.

WITNESS #1

Nancy K Sing
WITNESS #2

I, MARK Eckerson, Esq., one of the witnesses to the signing of this document, hereby affirm that I am a licensed Certified Investigator approved by the Department of Social Services or an Attorney licensed to practice law in the State of Ohio and I do not represent the prospective adoptive parents.

Bar No.: 0022088

SWORN to before me this
2nd day of October, 2012.

Nancy K Seng
Notary Public for Ohio
My Commission Expires: 6-1-2015

NOTARIAL SEAL STATE OF OHIO

NANCY K. SENG
Notary Public, State of Ohio
My Commission Expires June 1, 2015

I acknowledge that I have been provided a copy of the consent signed by me on 2nd day of October, 2012.

Paul Williams, Birth-Father

SWORN to before me this
2nd day of October, 2012.

Notary Public for Ohio
My Commission Expires:

MARK E. ECKERSON, Attorney at Law
NOTARY PUBLIC • STATE OF OHIO
My commission has no expiration date. Section 147.03 R.C.

NOTARIAL SEAL STATE OF OHIO

STATE OF OHIO **COUNTY OF** Clermont	)))	**CONSENT TO JURISDICTION** **AND** **CHOICE OF LAW**

IN THE ADOPTION OF BABY GIRL LLOYD (GABRIELLE ROSE SARACINO)

The undersigned, being first duly sworn, says:

I, Paul Williams, being duly sworn, depose and say that:

1. I am the birth-father of Baby Girl Lloyd (Gabrielle Rose Saracino), a female child born on July 9, 2012 at Good Samaritan Hospital in Cincinnati, Ohio. I make this affidavit in support of the petition of the Adoptive Couple.
2. I understand the Adoptive Couple resides in the State of South Carolina and have filed a petition to adopt my child in South Carolina. I have consented to the adoption of my child and understand that my Relinquishment will be accepted by the South Carolina Court.
3. I understand that as an Ohio resident I am entitled to sign a document known as a Consent to Adoption with all its rights and privileges. However, knowing that the adoption will be finalized in South Carolina I am choosing to sign South Carolina surrender documents.
4. I have also been advised that under South Carolina law, my Relinquishment can be signed anytime after the birth of the child and that my Relinquishment is irrevocable upon signing. I have been advised that I may challenge the validity of my Relinquishment only by filing a petition in South Carolina alleging fraud, coercion, duress, or that I did not sign the Relinquishment voluntarily and that my child's best interest would be served by being removed from the care of the adoptive parents.

5. Having been informed about the law in both South Carolina and Ohio, I hereby submit to the jurisdiction of the State of South Carolina. I agree that all matters relating to the adoption of my child, including, but not limited to the right to revoke my Relinquishment, to notice of further proceedings in the adoption and termination of my parental rights, shall be determined in accordance with the laws of the State of South Carolina.
6. Further, I have been advised of my right to seek counsel from my own attorney.

This the 2nd day of October 2012.

Paul Williams, Birth-Father

SWORN TO BEFORE ME this the
2nd th day of Oct 2012.

Notary Public for the State of Ohio
My Commission Expires:

NOTARY PUBLIC / STATE OF OHIO
Date Section 147.03 R. C.

NOTARIAL SEAL
STATE OF OHIO

EXHIBIT C

2012-DR-23-3160

INTERSTATE COMPACT PLACEMENT REQUEST

One form per child

TO: SC ICPC
Diane Homer, 1535 Confederate Ave, Columbia, SC 29202

FROM: OH ICPC

ICPC 100A
PLEASE TYPE

SECTION I – IDENTIFYING DATA

Notice is Given of Intent to Place:
Name of Child: Gabriella Rose Saracino
SS #:

Sex:	Date of Birth:	Ethnic Group:
M / (F)	7/9/12	Caucasian

Title IV-E ☐ Yes ☒ No ☐ Pending

Name of Mother: Natasha Snow Lloyd
Name of Father:

Name of Agency or Person Responsible for Planning for Child: Natasha Snow Lloyd
Phone: 513-467-0564
Address: 277 East State Road, Cleves, OH 45002

Name of Agency or Person Financially Responsible for Child: Natasha Snow Lloyd
Phone: 513-467-0564
Address: Same as above

SECTION II – PLACEMENT INFORMATION

Name of Person(s) or Facility Child is to be placed with: Joseph & Cynthia Saracino
Phone: 864-252-4558
Address: 104 Chatsworth Road, Greer, South Carolina 29651

Type of Care:
☐ Institutional Care Article VI, adjudicated delinquent
☒ Parent ☐ Foster Home ☐ Relative
☐ Residential Treatment Center Relationship: ____
☐ Other: ____ ☐ Group Home: ____
☐ Child Caring Institution: ____

☒ ADOPTION
☐ To be finalized in Ohio
☒ To be finalized in South Carolina
☐ Subsidy / IV-E Assistance

Legal Status:
☐ Sending Agency Custody/Guardianship
☐ Parent Relative Custody/Guardianship
☐ Court Jurisdiction Only
☒ Parental Rights Terminated-Right to Place for Adoption
☐ Unaccompanied Refugee Minor
☐ Other: ____

SECTION III – SERVICES REQUESTED

Initial Report (If applicable)
☐ Parent Home Study
☐ Relative Home Study
☒ Adoptive Home Study
☐ Foster Home Study

Supervisory Services
☐ Request Receiving State to Arrange Supervision
☒ Another Agency Agreed to Supervise
☐ Sending Agency to Supervise

Supervisory Reports
☐ Quarterly
☐ Semi-Annually
☐ Upon Request
☒ Other: Until Finalization

Name and Address of Supervising Agency in Receiving State:
Adoption Advocacy, 1712 Waterway Court, Spartanburg, SC 29301 (864) 587-6228

Enclosed: ☒ Child's Social History ☐ Court Order ☒ Home Study of Placement Resource
☐ IV-E Documentation ☐ Financial / Medical Plan ☒ Other:

Signature of Sending Agency or Person: Natasha Snow Lloyd
Date: 7-12-12

Signature of Sending Sate Compact Administrator, Deputy or Alternate: Sara Unger
Date: 7-16-12

SECTION IV – ACTION BY RECEIVING STATE

☒ Placement may be made
☐ Placement shall not be made

REMARKS:

Signature of Receiving State Compact Administrator, Deputy or Alternate: Sherri Clare
Date: 7-16-12

Distribution:
- Sending Agency retains a copy and forwards completed originals plus 4 copies to:
- Sending Compact Administrator, DCA, or alternate who retains a copy and forwards completed original and 3 copies to:
- Receiving Agency Compact Administrator, DCA, or alternate who indicates action (Section IV) and forwards a copy to receiving agency and the completed original and 1 copy to sending Compact Administrator, DCA, or alternate within 30 days.
- Sending Compact Administrator, DCA, or alternate retains a completed copy and forwards the completed the original to the sending agency.

R 3/6/00 SRS-100A

EXHIBIT D

STATE OF SOUTH CAROLINA	)	IN THE FAMILY COURT OF THE
FILED CLERK OF COURT		THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE GREENVILLE, S.C.		C.A. NO.: 2012-DR-23-3160
	)	
Joseph Richard Saracino and 2012 JUL 13 PM 2 35		
Cynthia Hutto Saracino,	)	
Husband and Wife, FAMILY COURT	)	**COMPLAINT**
Plaintiff,	)	
	)	
vs.	)	
	)	
Baby Girl Lloyd, a child under the age of	)	
fourteen years; and "John Doe" Birth Father,	)	
Defendants.	)	

The Plaintiff would respectfully show the Court:

1. That this Court has jurisdiction over these proceedings;

2. That the Plaintiffs reside at 104 Chatsworth Road, Greer, South Carolina 29651; and were married on May 5, 2006 in Greenville, South Carolina; that the Plaintiff Adoptive Father is 41 years old, born on May 12, 1971; and that the Adoptive Mother is 41 years of age, born on July 7, 1971;

3. That on July 12, 2012, the Plaintiff acquired custody and placement of the minor child from the Birth Mother;

4. That on information and belief, the minor child was born on July 9, 2012 at Good Samaritan Tri Health Hospital in Cincinnati, Ohio and for the purposes of this action is known as Baby Girl Lloyd; that if the adoption is approved, it is the desire of the Plaintiffs that the name of the minor Defendant be **Gabrielle Rose Saracino;**

5. That it is the sincere desire of the Plaintiff to establish the relationship of parent and child with the minor Defendant and that the Plaintiffs are fit and proper persons, fully

capable for the child and to provide for her welfare;

6. That to the best of knowledge of the Plaintiffs, the minor Defendant owns no property either real or personal in the State of South Carolina or elsewhere;

7. That on information and behalf of the Plaintiffs, the Birth Mother, Natasha Snow Lloyd, of the minor child signed a Consent of Birth Mother for the purpose of adoption on July 12, 2012;

8. The Birth Mother refuses to identity the Birth Father. She has received absolutely no assistance from any male whatsoever nor has any male lived with the Birth Mother or held himself out to be the Birth Father of Baby Girl Lloyd during the six (6) months preceding placement;

9. That "John Doe" Birth Father has not paid any expenses in connection with Birth Mother's pregnancy or with the birth of the minor child, including, but not limited to, medical, hospital, and nursing expenses;

10. That the Plaintiffs have not paid or promised a fee, compensation or any other thing value as consideration for the consent or relinquishment for the purpose of adoption;

11. That the minor child has been in Plaintiffs' custody continuously since July 12, 2012;

12. That any and all written consents or relinquishments for the purpose of adoption as required by to §63-9-310 of the Code of Laws of South Carolina be submitted to the Court at the time of the Final Hearing; the Pre Placement Report was submitted to the Court under case number 2012-DR-23-2719;

13. That the Plaintiffs have made no payments of money or anything of value within the past five (5) years, and have agreed not to make any payments in the future by or on behalf of the Plaintiffs to any person, agency, or organization connected with the adoption; an accounting will be filed with the Court at the Final Hearing;

14. That prior to any hearing in this case, the Plaintiffs will request the appointment by this Court a Guardian *ad Litem* for the minor child;

15. That the Birth Mother and "John Doe" Birth Father are not married to each other;

16. That the Plaintiffs have one other child by adoption: Grace Olivia Saracino (DOB: 10/15/10);

17. That the Birth Mother has not named any other possible "John Doe," Birth Father; a search of the Birth Father Registry in the State of Ohio where conception and birth took place is being conducted to ensure no other person has made any claims of paternity as to the minor child;

WHEREFORE, Plaintiffs pray as follows:

1. For an Order of this Court allowing them to have custody of the minor Defendant pending a final hearing for adoption;

2. For an Order incorporating the surrender of the Birth Mother, which surrender terminated her rights to the minor child;

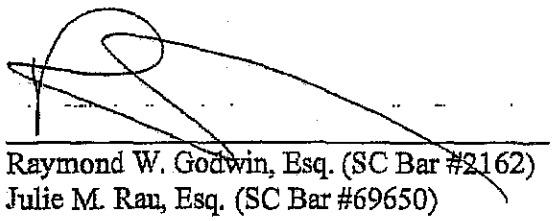
3. For an Order terminating the rights of the "John Doe" Birth Father, pursuant to §63-9-310 in addition to other statutory and case laws of the State of South Carolina;

4. For the records of this proceeding to be sealed;

5. For an Order of this Court directing that a birth certificate be issued showing the Plaintiff as the parent of the minor Defendant in the name of **Gabrielle Rose Saracino**; and

7. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,



Raymond W. Godwin, Esq. (SC Bar #2162)
Julie M. Rau, Esq. (SC Bar #69650)
1527 Wade Hampton Blvd.
Greenville, SC 29609
PH (864) 241-2883
FAX: (864) 255-4342
ATTORNEYS FOR PLAINTIFFS

Greenville, South Carolina
July 13, 2012

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT OF THE
) THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE) C.A. NO.: 2012-DR-23-3160

CLERK OF COURT GREENVILLE S.C.
2012 JUL 27 PM 4 25
FAMILY COURT

Joseph Richard Saracino and)
Cynthia Hutto Saracino,)
Husband and Wife,) **AMENDED COMPLAINT**
Plaintiff,)
)
vs.)
)
Baby Girl Lloyd, a child under the age of)
fourteen years; and "John Doe" Birth Father,)
and Paul Williams, Birth Father,)
Defendants.)

The Plaintiff would respectfully show the Court:

1. That this Court has jurisdiction over these proceedings;

2. That the Plaintiffs reside at 104 Chatsworth Road, Greer, South Carolina 29651; and were married on May 5, 2006 in Greenville, South Carolina; that the Plaintiff Adoptive Father is 41 years old, born on May 12, 1971; and that the Adoptive Mother is 41 years of age, born on July 7, 1971;

3. That on July 12, 2012, the Plaintiff acquired custody and placement of the minor child from the Birth Mother;

4. That on information and belief, the minor child was born on July 9, 2012 at Good Samaritan Tri Health Hospital in Cincinnati, Ohio and for the purposes of this action is known as Baby Girl Lloyd; that if the adoption is approved, it is the desire of the Plaintiffs that the name of the minor Defendant be **Gabrielle Rose Saracino;**

5. That it is the sincere desire of the Plaintiff to establish the relationship of parent and child with the minor Defendant and that the Plaintiffs are fit and proper persons, fully

capable for the child and to provide for her welfare;

6. That to the best of knowledge of the Plaintiffs, the minor Defendant owns no property either real or personal in the State of South Carolina or elsewhere;

7. That on information and behalf of the Plaintiffs, the Birth Mother, Natasha Snow Lloyd, of the minor child signed a Consent of Birth Mother for the purpose of adoption on July 12, 2012;

8. The Birth Mother refused to identity the Birth Father at the time she signed relinquishments. She received absolutely no assistance from any male whatsoever nor had any male lived with the Birth Mother or held himself out to be the Birth Father of Baby Girl Lloyd during the six (6) months preceding placement;

9. That after the placement of the minor child with the Plaintiff Adoptive Couple, Paul Williams Birth Father identified himself as an alleged Birth Father and upon information and belief, his last known whereabouts is in the area of Cincinnati, Ohio.

10. That neither "John Doe" Birth Father nor Paul Williams Birth Father have paid any expenses in connection with Birth Mother's pregnancy or with the birth of the minor child, including, but not limited to, medical, hospital, and nursing expenses;

11. That the Plaintiffs have not paid or promised a fee, compensation or any other thing value as consideration for the consent or relinquishment for the purpose of adoption;

12. That the minor child has been in Plaintiffs' custody continuously since July 12, 2012;

13. That any and all written consents or relinquishments for the purpose of adoption as required by to §63-9-310 of the Code of Laws of South Carolina be submitted to the Court at

the time of the Final Hearing; the Pre Placement Report was submitted to the Court under case number 2012-DR-23-2719;

14. That the Plaintiffs have made no payments of money or anything of value within the past five (5) years, and have agreed not to make any payments in the future by or on behalf of the Plaintiffs to any person, agency, or organization connected with the adoption; an accounting will be filed with the Court at the Final Hearing;

15. That prior to any hearing in this case, the Plaintiffs will request the appointment by this Court a Guardian *ad Litem* for the minor child;

16. That the Birth Mother and "John Doe" Birth Father are not married to each other;

17. That the Birth Mother and Paul Williams Birth Father are not married to each other;

18. That the Plaintiffs have one other child by adoption: Grace Olivia Saracino (DOB: 10/15/10);

19. That the Birth Mother has not named any other possible "John Doe," Birth Father; a search of the Birth Father Registry in the State of Ohio where conception and birth took place is being conducted to ensure no other person has made any claims of paternity as to the minor child;

20. That Paul Williams Birth Father will receive Notice of the adoption proceedings by process service if an address can be found for him or by publication in the area where birth and conception took place;

21. That on July 16, 2012, Interstate Compact Placement approval was granted to the Adoptive Couple which approval (ICPC Form 100A) was clocked with this Court on July 17,