

ORIGINAL

IN THE SUPREME COURT OF OHIO

In re: B.C.

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Case Nos. 2013-1932
2014-0181

On Appeal and On Certified
Conflict from the Ohio Court
Of Appeals, Second Appellate
District, Clark County

Court of Appeals Case
No. 2013-CA-0072

MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL
OF APPELLEE, FAMILY AND CHILDREN SERVICES
OF CLARK COUNTY

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OF CLARK COUNTY

FILED
FEB 28 2014
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION

Appellee, Family and Children Services of Clark County, hereby moves for leave to file a document under seal, which was not part of the record below but which is relevant to a determination of this matter.

This appeal concerns B.C., a minor child, and his Mother, C.C. Mother's parental rights were terminated by order of the Clark County Juvenile Court on February 12, 2013. Mother sought leave to file a delayed appeal with the Second District Court of Appeals on August 27, 2013.

On August 23, 2013—four days before Mother filed her request for a delayed appeal—the Clark County Probate Court entered an order finalizing the adoption of B.C. Appellee intends to argue that the adoption of B.C. renders these appeals moot.

While mootness can be proven by extrinsic evidence, *State ex rel. Cincinnati Enquirer, Div. of Gannett Satellite Info. Network, Inc. v. Dupuis*, 98 Ohio St.3d 126, 2002-Ohio-7041, ¶ 8, adoption records are confidential under R.C. 3107.17 and Sup.R. 55(C). B.C.'s adoptive parents are willing to allow Appellee to file a copy of their copy of the final adoption order, but only if it is filed under seal with this Court.

Therefore, pursuant to S.Ct.Prac.R. 3.02(B), Sup.R. 55(C), and R.C. 3107.17, Appellee requests that this Court grant leave for Appellee to file one copy of the final adoption order under seal, to be opened and reviewed only by the Court and its authorized personnel.

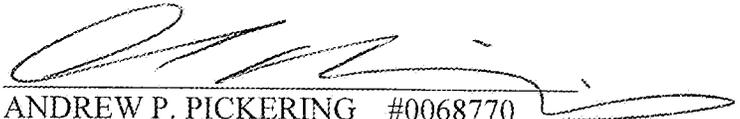
Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion was served by regular U.S. mail upon Linda J. Cushman, Attorney for Appellant, 150 North Limestone Street, Suite 206, Springfield, OH 45501, on this 28th day of February, 2014.



ANDREW P. PICKERING #0068770
ASST. CLARK COUNTY PROSECUTOR