

SUPREME COURT OF OHIO

In re: (C.C.S.), :  
 : Case No. 2016-0395  
 Petitioner-Appellant, :  
 : Appeal from Franklin County  
 vs. : Court of Appeals Tenth Appellate District  
 ADOPTION BY GENTLE :  
 CARE, : Case No: 15-AP-000884  
 :  
 Respondent-Appellee :

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AMICUS CURAE IN SUPPORT OF  
CAROLINE STEARNS

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**TABLE OF CONTENTS**

TABLE OF CONTENTS.....2

EXPLANATION OF WHY AN AMICUS CURAE WAS OFFERED.....3

EXPLANATION OF HOW A CHILD WAS ACQUIRED WITHOUT BENEFIT OF  
OPTION..... 3

EXPLANATION OF DURESS AND IMPAIRMENT DISMISSED BY LOWER COURTS...4

EXPLANATION OF DISMISSING THE CHILD’S BEST INTEREST.....4

ADOPTION RESEMBLING CHILD TRAFFICKING.....6

CONCLUSION.....7

PROOF OF SERVICE ..... 8

## **EXPLANATION OF WHY THE AMICUS CURAE WAS OFFERED**

This document supports revocation of the relinquishment signed by Carrie Stearns regarding her son Camden. My background includes extensive research, counseling, and presenting on the adoption process in this country and internationally. I have two master degrees and a doctorate degree from residential universities out of the state of Oklahoma namely Oklahoma State University and the University of Oklahoma.

Following this case brings considerable concern with how Adoption by Gentle Care used a power given them to represent a child's best interest in the adoption process. The following are the concerns to respectfully be considered by the court.

- 1) How Adoption by Gentle Care acquired Camden Stearns with no option explanation
- 2) Dismissal of the "duress" and "coercion" by the lower courts
- 3) How the child's best interest has not been considered by agency representing such
- 4) Resemblance of child trafficking when child is held after being returned

## **EXPLANATION OF HOW A CHILD WAS ACQUIRED WITHOUT BENEFIT OF OPTIONS**

If the court pleases, when reading how Gentle Care executed the legal process of obtaining Camden Stearns, it would be important to consider that Carrie was not given the options of temporary placement. Clearly stated in the court records on the part of Gentle Care, they did not explain the option of a temporary 30 day placement for Camden. Had Carrie been given the explanation of that option, she could have thought through things clearly, apart from medication and duress. This begs the question of why the agency determined that explaining these options to Carrie was not necessary in her case. That AGC (Adoption by Gentle Care) didn't offer the verbal explanation to Carrie could give pause as to motive by AGC. A desperate mother who

believed her other 5 children would be displaced, onto the street within 3 weeks of giving birth, is clearly duress. AGC was fully aware of Carrie's circumstances and yet seemed only to be concerned with making an adoption plan.

### **EXPLANATION OF DURESS AND IMPAIRMENT DISMISSED BY LOWER COURTS**

Within the same court, duress and coercion were argued. The proven duress argument was dismissed by the lower courts. If the case involving Carrie Stearns and the extreme duress she endured did not bring the evidence to prove duress, the question becomes, what evidence could prove duress? The main person that could have substantiated the duress argument was eliminated from the witness list. The coercion argument included an expert witness testimony testifying to the significant amounts of medication Carrie was under after the cesarean section birth of her son and during signing of relinquishment papers. The medication along with the fact that AGC did not explain the option of temporary foster care substantiates the coercive nature of this particular adoption case. As a professional who follows this case with intense curiosity and an unrelenting stand for justice, Camden has been unnecessarily retained in foster care for two years. His family waits for his return. As this case stands, the courts have thus far ruled erroneously on unsubstantiated reasoning about a mother's choice under duress and medication. The courts have failed to recognize what was expertly testified to in the hormonal dump and medication which would stand in the way of "choices" and "reason." The duress, medication, and hormones are mitigating factors which highly affected sound and reasonable decision making.

### **EXPLANATION OF DISMISSING THE CHILD'S BEST INTEREST**

Lastly, instead of AGC returning Camden to a fit, able and loving parent who had found stability without the person creating the earlier duress, AGC placed Camden in foster care. AGC, well

aware that Carrie was a fit and loving parent, chose to defame her character and use any other testimony to substantiate the character flaws. At the same time the argument that Carrie was well educated and a strong woman was a double edged sword. AGC used these character representations against Carrie, as though extreme hormonal imbalance, coercion and duress before and after the caesarean birth did not affect her reasoning. While court records indicate that AGC substantiated Carrie is a good parent to her five children, they refused to follow that representation and assert Carrie's fitness and love for Camden. Instead of returning him to a fit and loving, familiar parent, they placed him in foster care. Faulty and flawed logic such as the decision to place Camden in multiple foster care placements further indicts AGC regarding a child's best interest. Interestingly, the lower court allowed the flawed argument to stand and ruled against the appeal for Carrie to have her child returned.

Allowing adoption agencies the power to give and take in such a fashion as this case represents, embodies the injustice of Camden Stearns placements. Camden being kept by AGC from the mother who wants and loves him, clearly defines an improper judgment in the child's best interest. Research by Jung, Piaget, and modern researchers such as Dr. Caroline Leaf establish that a child's best interest is met when the natural mother meets the child's needs. The child recognizes voice, smell, symbiotic movement and rhythms of the natural mother. Familiarity sets up the trust a child needs to develop attachment which is required in relationships and normal development. While theories exist about how infant placement is the opportune displacement for a child of adoption, the best interest of a child is met when the natural mother and child continue the bond that was initially developed in utero after the birth of the child. If the adoption placement entity such as AGC disregards the validity of the research or does not take seriously the responsibility undertaken by displacing a child from his mother, the entity must be educated

and audited to make sure the responsibility is recognized over the priority of making a business profit.

### **ADOPTION RESEMBLING CHILD TRAFFICKING**

Clearly in the case of Carrie Stearns and her son, Camden, AGC has been negligent at best in addressing the child's best interest. When the prospective adoptive parents returned Camden to AGC three weeks into the placement, Camden's return to his mother would have been the responsible outcome. Had AGC returned Camden to his mother within 48 hours of his return, as they had planned based on court records, this case would not be in the legal system today.

However AGC made a judgment not to return Camden when a blog was posted on social media by an outside party revealing the challenges in this case. This begs the question, how was it appropriate that AGC put a child's best interest subservient to what was deemed the best interest of the agency by changing the plan to return Camden to his mother? If the blog was a damaging or embarrassing social media post, would not a civil action been far more appropriate toward the party involved? Instead AGC leveraged a child's best interest against the monetary gain of a business transaction with hopes of reselling the child to another prospective adoptive waiting family. The hope of placement with another family could be realized only after all litigation of the case, which means the child continues in foster care without permanent placement. Not only would this action be considered the opposite of a child's best interest but borders on, if not defines, child trafficking.

Carrie Stearns' case differs little from another case AGC lost with similar behaviors by the agency. The agency needs to understand, as do all adoption agencies, that adoption embodies the delicate and traumatic transference of a child from a familiar family to a stranger family. At best, adoption is a perceived loss for both the child and the biological family; a traumatic experience

from the start. At worst adoption is treated as a business transaction with the concept that any family can replace the child's original family. Research now exists that a newborn infant is not a blank slate. The infant knows whether or not s/he is with the natural mother. Consideration of the research must take precedence over all business arrangements in an adoption. Therefore, clearly stating and educating all parties on options, recognizing duress, medication influences, and a concrete plan for a failed adoption are required in consideration of the best interest of an infant or child who has no voice.

### **CONCLUSION**

Camden Stearns deserves to be raised by his mother who loves him and is clearly a fit parent. The idea that AGC had planned to revoke Carrie's relinquishment and return Camden makes the statement that AGC can do the right thing but has refused. This court has the power to return Camden to his mother and make the statement that adoption cannot be used as a business transaction. A value cannot be placed upon a human life and yet this transaction, regarding Camden, has monetary value leveraged by AGC against any prospective adoptive family who would be considered as placement for Camden if Carrie's case isn't reversed. Yet, Camden continues to languish in foster placement due to AGC's revenge (as stated in court records).

As a professional in child development, attachment expert witness in other cases, and a counselor for adoption family members, I respectfully request that the court overturn this lower court decision and order Camden's immediate return to Carrie Stearns and his family.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing Amicus Brief was served upon:

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22<sup>nd</sup> day of March, 2016.