

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO, EX REL. THE  
ALLEN COUNTY CHILDREN SERVICES  
BOARD,

RELATOR,

vs.

THE COMMON PLEAS COURT OF  
MERCER COUNTY, OHIO  
PROBATE DIVISION, ET AL.,

RESPONDENTS.

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\* CASE NO.: 16-0723  
\* ORIGINAL ACTION IN  
\* MANDAMUS  
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MOTION TO SEAL EXHIBITS

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Now comes the Common Pleas Court of Mercer County Ohio, Probate Division, the Honorable Mary Pat Zitter, Probate/Juvenile Judge and the Honorable James Rapp, Judge by Assignment, and hereby moves this Court to seal certain adoption records that have been filed in this matter. Revised Code Section 3107.17 requires court consent prior to revealing any information in a record of an adoption that is maintained by the court, the department of job and family services, an agency, or attorney. Absent certain exceptions, none of which apply in this matter, the adoption records from a Probate case cannot be revealed. R.C. §3107.17(A). In this case, the adoption documents attached as Exhibits 11, 12, 13, 14, 15, 16, and 17 of the Relator's Memorandum in Support of Writ, filed on May 10, 2016, are adoption records maintained as part of the permanent record of the court, the department of job and family services, an agency, or attorney. They have been placed in the public record without consent of the court. Additionally, Respondent requests that Exhibit A to the Notice to the Court filed by Respondent in this matter, also be sealed to insure the privacy of the parties to that matter. <sup>1</sup>

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<sup>1</sup> Exhibit A of the Notice to the Court filed by Respondent on May 12, 2016, is also an adoption record. The Entry was filed with the verbal permission of the Honorable Judge Rapp, with the understanding that speed was of the essence in filing that notice.

For all the foregoing reasons, Respondent requests that Exhibits 11 -17 of the Relator's Memorandum in Support of Jurisdiction, filed on May 10, 2016, and Exhibit A to the Respondent's Notice to the Court, filed on May 12, 2016, be sealed.

Respectfully submitted,



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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to Terri L. Kohlrieser, Assistant Prosecutor, attorney for the Allen County Children Services Board, on this 12<sup>th</sup> day of May, 2016.

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PROSECUTING ATTORNEY

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