

18-7383

Supreme Court, U.S.  
FILED

NOV 14 2018

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

Jennifer Feldman

- PETITIONER

vs.

Adoption Star Agency,  
Kathy Crissy,  
Ellen Kapalan,  
N.F.

- RESPONDENTS

UNITED STATES COURT OF APPEALS  
For the Eleventh Circuit

On Petition For Writ Of Certiorari

Jennifer Feldman  
26521 SW 127th Avenue  
Homestead, Florida 33032  
(305) 910-1688

## QUESTION(S) PRESENTED

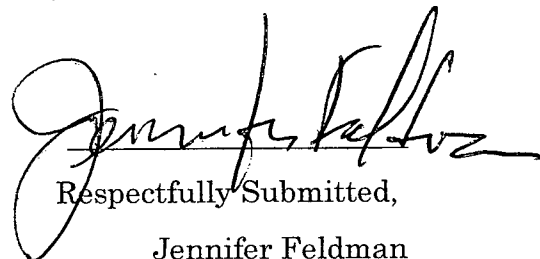
In her brief to this Court, Feldman cities several Florida statutes in support. See, e.g., Fla. Statute 63.063, 787.01, 984.02. But she doesn't cite any federal statutes in her complaint or in her brief.

1. Did the Eleventh Circuit Court err by denying jurisdiction over the Districts Court's decision, where the appeal sought review of the District Court's determination. In light of this Court's precedents consistently recognizing that a decision should be determined and based on the best interest of the child standard. Were mine and my granddaughters 1st, 6th and 14th amendments rights violated during this adoption proceeding and unnecessarily separated/isolated from family bonds?
2. Did the courts and Adoption Star assure my granddaughters present and future well-being are protected by allowing an illegal, fraudulent and unnecessary adoption for profit to proceed?
3. Why did the Eleventh Circuit Court state I had standing and <sup>cause but</sup> ~~cause~~ did not state the law, when mine and my granddaughter's constitutional rights are THE LAW?

### **CERTIFICATE OF INTERESTED PERSONS**

Pursuant to 11th Cir. R. 26. 1-1 Counsel for Appeal Jennifer Feldman certifies that the following may have an interest in the outcome of this case:

- 1) Adoption Star Agency Inc., Crissy Kathy, Katy Jay
- 2) DCF Family Services; Roy Frometa; Child Protective Investigator
- 3) E.K (Adoption Attorney)
- 4) Jackson Memorial Hospital; Labor and Delivery; Prenatal Care.
- 5) J.S (Baby Father)
- 6) M.M , S.E (Adoptive Family)
- 7) M.S (Adopted Baby)
- 8) N.F (Birth Mother)
- 9) S.L (Adoption Social Worker)

A handwritten signature in black ink, appearing to read "Jennifer Feldman", is written over a horizontal line.

Respectfully Submitted,

Jennifer Feldman

Self-Represented

## TABLE OF CONTENTS

OPINIONS BELOW .....	6
CONSTITUTIONAL PROVISION INVOLVED .....	6
STATEMENT OF THE CASE .....	7
REASONS FOR GRANTED THE WRIT .....	8
CONCLUSION .....	12

## TABLE OF AUTHORITIES CITED

### STATUTES AND RULES

<i>§ 787.01</i>	8
<i>§ 63.063</i>	9
<i>§ 61.63</i>	9
ASFA, Public Law 105-89 .....	9

IN THE SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

I, Jennifer Feldman respectfully prays that a writ of certiorari issues to review the judgement below.

OPINIONS BELOW

A timely petition for rehearing was denied by the United States Court of Appeals for the Eleventh Circuit on August 21, 2018, and a copy of the order denying appears at the Appendix 23 tab.

CONSTITUTIONAL PROVISIONS INVOLVED

Under the Due Process Clause of the Fourteenth Amendment to the US Constitution, the Supreme Court has held that natural parents have a fundamental liberty interest in the care, custody, and management of their children. In light of this, decisions in state proceedings to terminate parental rights must be based on clear and convincing evidence; based on a preponderance of the evidence standard are insufficient.

## STATEMENT OF THE CASE

Before ED CARNES, Chief Judge, MARTIN, and JILL PRYOR Circuit Judges. PER CURIAM:

Jennifer Feldman, proceeding pro se, brought a lawsuit against Adoption Star Agency, Ellen Kaplan (the attorney for the Agency) and N.F., Feldman's daughter. Appellant Jennifer Feldman challenged the adoption proceedings relating to her biological granddaughter, who was placed for adoption by N.F. four months after the baby's birth when the baby was solely under Jennifer Feldman's care. The district court issued a paperless order dismissing Feldman's complaint without prejudice for lack of subject matter jurisdiction. Feldman appealed.

In appellant's brief to the Eleventh Circuit Court, Feldman cited several Florida statutes in support Fla. Stat. § § 63.063, 787.01, 984.02 but court states Feldman does not cite any federal statutes in her complaint or in her brief. In the United States, apart from limited federal constitutional and statutory law, adoption is controlled by state law. Adoption is mostly a matter of state law, there is a limited amount of federal law relevant to adoption.

## REASONS FOR GRANTING THE PETITION

This court should grant certiorari. Plaintiff argues with good cause that the State Court and all involved failed to acknowledge US Supreme Court precedence and the law when the State Court allowed an illegal adoption to take place due to the mother's severe depression and fraudulent adoption, reported to police and DCF. This adoption subjected the minor child to be separated and isolated from family bonds and violated Feldman's and granddaughters 14th amendment right to be protected.

As a US Citizen my granddaughter should be protected by the U.S. constitution. In certain cases, adoption has been beneficial to children that don't have families or come from a household that isn't safe or not beneficial for a child to be in. Children placed in foster care by the state (DCF) are placed for adoption and families of the children are permitted and granted rights to care for these children as long as they qualify all requirements requested by the state. My granddaughter was given up by her mother in adoption, mother abandoned the baby \$39,806 at birth which is when Feldman took responsibility over the child. Mother N.F.'s rights should have been terminated under these circumstances and even after four months of failing to establish or maintain a relationship with her child, under Feldman's care. She lied and deceived Feldman by sneaking the baby from her loving, safe home and placed her for adoption to an agency she found online with money gain as a motive. As her grandmother and parent from birth I had a vested interest in this child. Adoption Star had an obligation to investigate the best interest of the child and were well aware of the situation of baby living happily and safely with grandmother before being kidnapped and taken from birth state Florida, in a quasi-human trafficking manner.

*§ 787.01 The term kidnapping means forcefully, secretly or by threat confining, abducting or imprisoning another person against her or his will and without lawful authority, with intent to: 3 Inflict bodily harm upon or to terrorize the victim or another person. (b) Confinement of the child under the age of 13 is against her or his will within the meaning of this subsection if such confinement is without the consent of her or his parent, legal guardian.*

Daughter N.F. had no disagreement when assuring to sign required documents to give consent for Feldman to take baby to all doctors' appointments without her presence. As a verbal agreement Feldman and N.F. had established that Feldman would be parent/caregiver to the child, supporting documents confirm that N.F. had full acknowledgment of this agreement.



Discovery being denied each time Adoption Star stated case was sealed due to privacy of doctors and adoption. All attorneys and social workers involved main focus was to get the adoption complete, no one involved truly cared about the child's best interest. Who exactly worked in my granddaughter's favor? Who was the professional to determine the placement of my granddaughter and how was this decision decided without an investigation?

The Interstate Compact on the Placement of Children (ICPC) is statutory law in all 50 states and U.S territories. Before a child born in one state can be taken to another state for the purpose of adoption, both the state where the child and the state where the child is going must give approval all domestic U.S adoptions, both private and agency. Accordingly, if an adopting family takes custody of a child in state "A" and they live in state "B" they must get approval from both state "A" and "B" before they return to their home in state "B" with the child. The adoption agency or adoption attorney can complete the necessary forms and submit them to both states ICPC offices. It generally takes anywhere from a few days to a few weeks to get approval to which time the baby must remain in the state of his/her birth. Typically, the adopting family will stay with the baby in a hotel or with ~~family~~ or friends. This is an important law that every adopting family needs to be aware of and to follow to the letter.

From the time the child was fraudulently taken from my home, \$63,063 there was no trace of where the child was, not though DCF or any state court, had information regarding to the baby for me to contest or recover the baby. Until, the father contacted me and gave me the adoption agencies name. Without proper documentation, who will prove that the statutory law of ICPC was done to agreement with the law if there was no investigation done. Evidence proves the adoption was treated as an interstate not out of state adoption from the information I was able to gather. During the time of Feldman trying to recover the return of her granddaughter, a lot of support from the community had extended their concern and support in the importance of child trafficking done through private adoption agencies. In Florida, Miami Dade County, channel 7 news Help Me Howard as well as HispanTV on Youtube, shared my story of a grandmother who was providing everything and more to her precious granddaughter. After the news, another victim of this AdoptionStar Agency had come forward and reach out to me. I continuously was told "Sorry, grandparents don't have any right" while this was not only about grandparents right but the importance of my all human rights being violated through the multi billion dollar industry made off of trafficking innocent children through adoption. The Adoption and Safe Families Act (ASFA, Public Law 105-89) was signed into law by President Bill Clinton on November 19, 1997, encouraging people to adopt children for the adoption incentives. Many families have been destroyed by this. Children are being tortured and killed every day. Families are being punished for trying to protect their children and grandchildren.

In all states, the determination whether prospective adopters are suitable parents is based on a finding that an adoption is in the best interests of the child. The law requires the focus to be on the interests of the child, rather than the interests of the birth parents, the adoptive parents, or anyone else. An adoption is generally not final until a probationary period of a certain number of months has elapsed, during which time the question of the best interests of the child may be evaluated. A court will generally rely on investigations conducted by child welfare professionals in determining whether a placement is in the best interests of the child. § 61.13.

As stated in Feldman's brief, this adoption has only been beneficial to the adoption agency and to daughter N.F. Adoption Star agency and N.F. both made money from this adoption. To Adoption Star, their only motive is to finalize another adoption no matter what bondage they are breaking between child and biological family members. Daughter N.F. stated many times she had no emotional connection or care for the baby. She just needed to money to buy a car and proceed with plastic surgery and could care less what was in the best interest of her daughter's emotional and physiological well-being.

Adoption proceedings and records are confidential in nature. Adoption proceedings are closed to the public. The records of the adoption proceeding are sealed and may not be opened except upon a judicial finding of good cause, or in some states upon the mutual consent of all parties. The child's original birth certificate is sealed, and a new one is issued containing only the child's adoptive name. Traditionally, biological parents of a child who was placed for adoption were unaware of the identity of the adoptive parents, and vice versa. In recent decades, the law of many states has become more accommodating of efforts to open sealed adoption records and original birth certificates, and of agreements allowing ongoing contact between adoptive and birth families following the adoption decree.

Adoption Star continues to hide adoption proceedings along with adoptee parents, have done everything in their power to stop me from moving forward in fighting for the return of my biological granddaughter, to the extent of the adoptee father coming from New York to Miami with a bodyguard to place a restraining order on me claiming I have intentions of kidnapping my granddaughter from Facebook post on my private account. Post where I mentioned how I miss my granddaughter and won't stop fighting for her return. During the process of seeking recourse and remedy for the return of my granddaughter they have used everything against me to prohibit me from practicing and being protected by the first amendment right and my 6th amendment right to the U.S constitution to face trial in the physical separation from a family member. This leaves me to further strongly believe this is a wrongful adoption. A wrongful adoption occurs where an adoption is attained through misrepresentation, fraud, deceit, or any illegal act with intent to

obtain financial or personal gain. The parties involved with wrongful adoption include the birth parents, previous parents, adoption agencies, social workers, and other people. This court has the power to investigate this adoption non-profit agency (Adoption Star Agency) for my granddaughter and many other victims, family members of children and babies being sold like a market commodity. I am including evidence to show Adoption Star Agency's estimated financial history on their so called "Non Profit Agency" and the personal gain each worker has made from selling and trafficking these children. Many children have been lost at the hands of Adoption Star Agency. For many years this unlawful act has been ignored by the courts and the people in power here in the United States, with no effort or compassion to make a change to save these children from the physical and mental damage being done to them. Its not as though, my granddaughter was taken from a foster home. She was wrongfully and forcefully taken from her loving families home.

When I provided supporting evidence in my brief including why the mother N.F shouldn't have been given the privilege of making this long-life decision for her baby, the court returned my evidence and ordered me to remove all my evidence that had anything with mother N.F., criminal records of both parents, due to this being a confidential and private adoption. I couldn't mention anything pertaining to the people involved in the adoption. In all states, the court may determine that consent of the parent is not needed under specific circumstances, including when parental rights have been terminated, the child has been abandoned, the parent has been convicted of specified crimes against the other parent or the child, the parent has failed to support or establish a significant relationship with the child, or the parent is mentally incompetent or unfit. The court may terminate the rights of one or both parents for reasons including abandonment, failure to support the child, mental incompetence, or a finding of parental unfitness due to child abuse or neglect. An unwed father's consent may not be needed if he has failed to establish legal paternity, is found to have abandoned or neglected the child or to be an unfit parent, or fails to respond to a notice of an adoption proceeding.

Department of Children and Families, Adoption Star Agency, one of the first hired attorney Ellen Kaplan, social worker Stacie Levin and all involved committed perjury 18 U.S. Code Stat. 1621, knowingly with sound mind and awareness. All mentioned are considered to be trusted individuals to be of good faith and character as all adults in position, to have protected this child. Instead, they all worked together removing the baby from her loving family home with blood societal ties. N.F. also was a part of this fraud but was not of sound mind and awareness. My daughter was suffering from sever pre and post partum depression. Adoption Star knowingly influenced her to make this decision by coercion while my daughter was in this state. Department of Children and Families did not investigate this child's removal when they had the duty to protect Jennifer and granddaughter's rights and what was in the child's best interest to remain with blood societal ties. They failed making this an unlawful act. The state district court exhausted and waived all

rights when I first reported how this baby was taken from my home. They choose to do nothing about it, after coming to my home and stating the baby would be returned to her home within 24 hours of locating my daughter, N.F.. The state was bond by agreement by The Adoption and Safe Families Act (ASFA, Public Law 105-89).

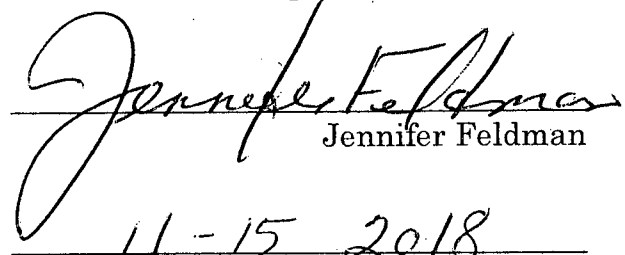
The state has no power to diminish my god given constitutional protected unalienable right. Whereas the state has created a vortex to which one cannot escape Life, Liberty and the pursuit of Happiness. The state has never been established by a clear and convincing standard that the child was ever in any harm or danger whatsoever. Therefore, as the biological grandmother I question the states roll in the illegal kidnapping of my granddaughter. The facts and evidence clearly support that the state of Florida failed to acknowledge U.S supreme court precedence and the law when the state court allowed an illegal adoption to take place and needlessly subjected the minor child to be separated and isolated from family bonds, Hafer vs. Melo Caperton vs Massey. As a grandmother and a U.S. Citizen I am expecting, requiring and demanding an immediate investigation in the corrupt activities of the court by congress to stop the pilferage and plundering of American children.

I beseech you to protect my granddaughter by returning her to me immediately as a judicial recourse and remedy to these crimes that have been committed against us. Please do not allow her to go missing and be another victim of abuse in our society and be forever lost through adoption. How in God's name can America ever be great again? If we can't put a stop to our families and children being separated from the people that truly loves them and wants to protect them.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Jennifer Feldman

11-15-2018

Date