

1397

No. 12-399

In the

Supreme Court of the United States

ADOPTIVE COUPLE,

Petitioners,

v.

BABY GIRL, A MINOR CHILD UNDER THE AGE OF FOURTEEN YEARS, ET AL.,

Respondents.

APPLICATION FOR ISSUANCE OF THE MANDATE FORTHWITH

To the Honorable Samuel Alito, Associate Justice of the United States Supreme Court:

1. Pursuant to Supreme Court Rule 45.2, Petitioners Adoptive Couple respectfully request an order directing the issuance of the mandate forthwith in this case. Absent an order expediting the mandate, the mandate would issue on or about July 22, 2013. Expedition of the mandate will permit proceedings to take place in South Carolina to determine the proper temporary or permanent placement of respondent Baby Girl, who is now three years old.

2. On June 25, 2013, the Court reversed the decision of the South Carolina Supreme Court and remanded the action for further proceedings. The Court held that the federal Indian Child Welfare Act is not an impediment to the adoption of Baby Girl by Adoptive Couple. The Court further recognized that the adoption would have been approved and finalized under state law absent the misapplication of federal law. *See slip op. at 1, 6-7 (opinion of the Court).*

3. Adoptive Couple have not seen or spoken with Baby Girl in nearly 18 months, following the turnover order by the South Carolina family court in December 2011. Petitioners are eager to resume the adoption process and to have the opportunity to reunite with their daughter as soon as possible.

4. Swift resolution of Baby Girl's placement determination is also highly desirable. This Court has recognized repeatedly the importance of a month in a child's life when addressing the need for speedy resolution of custody disputes. *Cf. Chafin v. Chafin*, 133 S. Ct. 1017, 1027 (2013) (“[A] child would lose precious months when she could have been readjusting to life” in her permanent home.).

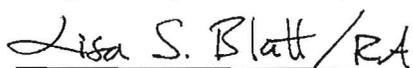
5. Unless a petition for rehearing is filed pursuant to Rule 44.1, there is no reason to hold the mandate any longer.

6. Counsel for the Guardian *ad Litem* consents to this request. Counsel for Birth Father does not consent, and undersigned counsel has not received a response from counsel for the Cherokee Nation.

Wherefore, petitioners respectfully request an order directing that the mandate issue forthwith.

June 26, 2013

Respectfully submitted,

 Lisa S. Blatt/RA

LISA S. BLATT
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, D.C. 20004
(202) 942-5000
Lisa.Blatt@aporter.com
Counsel for Petitioners

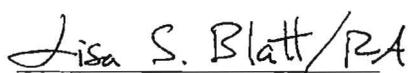
CERTIFICATE OF SERVICE

I, Lisa S. Blatt, a member of the Bar of this Court, hereby certify that on June 26, 2013, a copy of this APPLICATION FOR ISSUANCE OF THE MANDATE FORTHWITH was sent via e-mail and U.S. Mail, first class postage prepaid, to:

Paul D. Clement
Bancroft PLLC
1919 M Street, N.W., Suite 470
Washington, DC 20036
(202) 234-0090
pclement@bancroftpllc.com
Counsel for the Guardian ad Litem, as representative of respondent Baby Girl

Charles A. Rothfeld
Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006-1101
(202) 263-3000
crothfeld@mayerbrown.com
Counsel for Birth Father

Chrissi Ross Nimmo
P.O. Box 948
Tahlequah, OK 74465-0948
(918)-458-6998
chrissi-nimmo@cherokee.org
Counsel for the Cherokee Nation



LISA S. BLATT
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, D.C. 20004
(202) 942-5000
Lisa.Blatt@aporter.com

Counsel for Petitioners