

Kept-in-dark dad wins new chance at custody

By AL GUART

A state appeals court has breathed new life into a Manhattan man's battle for custody of his son, whose existence he learned of only after the tot had been adopted.

State Appellate Division Judge Nancy Smith ordered last week that Juan Campoverde be given a hearing in his bid to prove the adoption of his son, Shiloh, was based on fraud.

The toddler is now 20 months old and living in Poughkeepsie with his adoptive parents.

Smith ordered lawyers for the adoptive parents and birth mother to appear before Dutchess County Family Court Judge Peter Forman on April 18, to answer Campoverde's charges.

Last December, Forman dismissed Campoverde's case without a hearing.

"I'm excited that I'm going to finally have a chance to be heard," said Campoverde, a 20-year-old flight attendant. "I was beginning to lose hope.

"You don't know how much I want to just see my son, to hold him."

Campoverde's heart-wrenching saga made headlines last December, when he challenged Shiloh's adoption on grounds his ex-girlfriend, Sabrina Morabito, and her mother, Roberta Casale, deliberately concealed the baby's existence.

Morabito, 26, had dated Campoverde for 10 months in 1998 and became pregnant shortly before she broke off their relationship that November.

She gave birth to Shiloh in July 1999, and raised him with her mother in their Staten Island home for eight months before she put him up for adoption.

During those eight months, Campoverde was repeatedly rebuffed when he tried to contact Morabito by phone, by mail and, on one occasion, by visiting her home, court papers allege.

But last August, Casale had a change of heart and told Campoverde about the baby during a phone conversation, the papers claim.

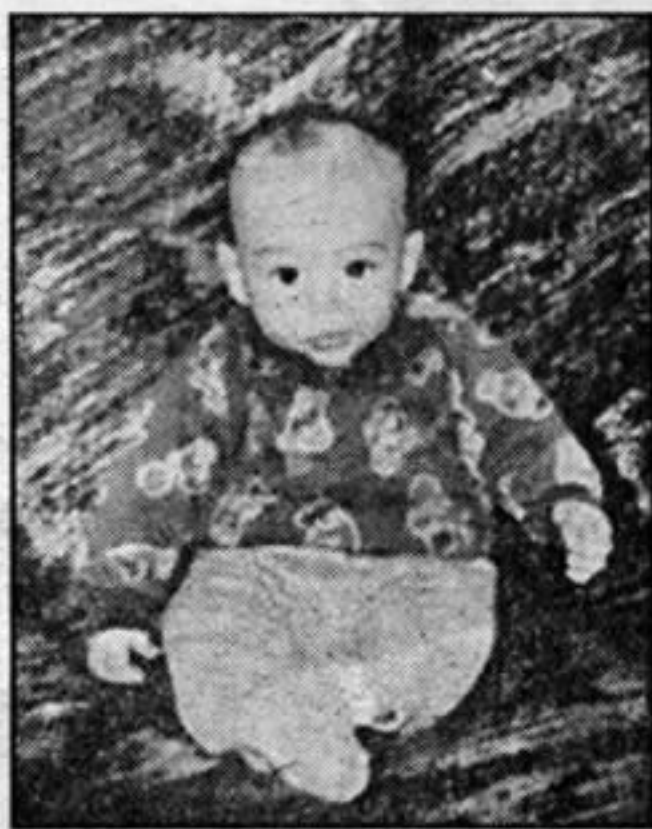
Casale, a teacher, invited Campoverde to her home, gave him a picture of Shiloh and showed him the clothes and toys that had once belonged to the tot.

When Campoverde went to court last December to overturn the adoption and seek custody of his son, Forman refused to hear his case.

In his six-page ruling, Forman blamed Campoverde for not



READY TO FIGHT: Lawyer Susan Chana Lask is helping Juan Campoverde bid for custody of the son he didn't know he had. Sam Costanza



LOVE-TUG TOT: Baby Shiloh, now nearly 2 years old.

asking Morabito if she was pregnant, even though she had refused to take his calls; for not offering to pay child support; and for not starting paternity proceedings sooner.

"The biological father's efforts to establish his parental interest must be timely, and that timeliness is guided by the lifetime of the child, not by the onset of the father's awareness," Forman wrote.

The case marks the first time in New York state history that a father has challenged an adoption on grounds that his parental rights were violated because of a scheme to keep him in the dark.

If successful at the April 18 hearing, Campoverde could get access to sealed adoption records, after which a "best interest of the child" hearing could be held, either overturning or affirming the adoption.

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"We're gratified that Juan will get his day in court, where a fair decision can be made," said Campoverde's lawyer, Susan Chana Lask.

Lask claims Campoverde was stripped of his parental rights without due process and believes the sealed records will show the adoption was improper.

Morabito could not be reached for comment.

Her lawyer, Denise Seideman, told The Post, "Mr. Campoverde's insistence on this public battle cannot be in the best interest of the child he professes to care for."

She added that the original court ruling found the adoption "lawful and in the best interest of the child," and that it "should be left undisturbed."

Chana Mesberg, the New Jersey-based lawyer for Shiloh's adoptive parents, did not return The Post's calls.