

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 283**

**Representative Rezabek**

**Cosponsors: Representatives Reineke, LaTourette, Manning, Celebrezze, Galonski, Lang, Rogers, Antonio, Boyd, Brown, Craig, Fedor, Hambley, Howse, Kent, Lepore-Hagan, Miller, Pelanda, Perales, Ramos, Smith, R., Strahorn**

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**A BILL**

To amend section 3107.05 and to enact sections 1  
3107.041, 3107.042, 3107.043, 3107.044, 2  
3107.045, 3107.046, 3107.047, 3107.048, 3  
3107.049, and 3107.131 of the Revised Code 4  
regarding certain adoptions involving abused, 5  
neglected, or dependent children and to allow 6  
posthumous final decrees of adoption. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3107.05 be amended and sections 8  
3107.041, 3107.042, 3107.043, 3107.044, 3107.045, 3107.046, 9  
3107.047, 3107.048, 3107.049, and 3107.131 of the Revised Code 10  
be enacted to read as follows: 11

**Sec. 3107.041.** Before conducting proceedings on a petition 12  
for adoption under section 3107.04 of the Revised Code regarding 13  
a child subject to the temporary custody or protective 14  
supervision of a public children services agency or private 15  
child placing agency, the probate court shall request, in 16  
writing, the juvenile court with jurisdiction over the abuse, 17

neglect, or dependency case involving the child to consent to 18  
the probate court exercising jurisdiction over the child 19  
regarding the petition. 20

**Sec. 3107.042.** On receipt of a request under section 21  
3107.041 of the Revised Code, the juvenile court shall notify 22  
all parties to the case addressed by the request of its receipt. 23

**Sec. 3107.043.** A party, on receipt of a notice under 24  
section 3107.042 of the Revised Code, may object to, and request 25  
a hearing on, the probate court request for consent to 26  
jurisdiction not later than seven days after the date the 27  
juvenile court sends the notice. 28

**Sec. 3107.044.** (A) On receipt of a timely request under 29  
section 3107.043 of the Revised Code, the juvenile court shall 30  
schedule a hearing to be held not later than thirty days after 31  
the date the request is received. The court shall give notice of 32  
the date, time, and location of the hearing to all parties to 33  
the case addressed by the hearing request. 34

(B) After conducting the hearing, but not later than 35  
ninety days after receiving the request for consent to 36  
jurisdiction under section 3107.041 of the Revised Code, the 37  
juvenile court shall determine whether to grant consent. If the 38  
juvenile court grants the request, it shall issue an order 39  
granting consent to jurisdiction and submit a copy of the order 40  
to the requesting probate court. 41

**Sec. 3107.045.** An order issued under section 3107.044 of 42  
the Revised Code shall include a requirement that any temporary 43  
custody or protective supervision order issued by the juvenile 44  
court shall remain in effect until the probate court, consistent 45  
with section 3107.049 of the Revised Code, approves a 46

preadoption placement of the child. 47

Sec. 3107.046. An order issued under section 3107.044 of 48  
the Revised Code is not a final, appealable order. 49

Sec. 3107.047. No probate court shall exercise 50  
jurisdiction over a petition for adoption described in section 51  
3107.041 of the Revised Code until the juvenile court with 52  
jurisdiction over the abuse, neglect, or dependency case 53  
involving the child subject to the petition issues an order 54  
granting consent to jurisdiction to the probate court under 55  
section 3107.044 of the Revised Code. 56

Sec. 3107.048. After a juvenile court issues an order 57  
granting consent to jurisdiction to a probate court under 58  
section 3107.044 of the Revised Code, and until a final adoption 59  
decree regarding the child subject to the order is issued, the 60  
juvenile court may continue to exercise jurisdiction over the 61  
child in conjunction with the probate court. 62

Sec. 3107.049. After a juvenile court issues an order 63  
granting consent to jurisdiction to a probate court under 64  
section 3107.044 of the Revised Code, the probate court shall 65  
have exclusive jurisdiction over the preadoption placement of 66  
the child subject to the order. When the probate court approves 67  
the preadoption placement of the child, it shall submit a 68  
certified copy of the placement order to the juvenile court. On 69  
submission of the placement order any temporary custody or 70  
protective supervision order regarding the child terminates. 71

Sec. 3107.05. (A) A petition for adoption shall be 72  
prepared and filed according to the procedure for commencing an 73  
action under the Rules of Civil Procedure. It shall include the 74  
following information: 75

(1) The date and place of birth of the person to be adopted, if known;	76 77
(2) The name of the person to be adopted, if known;	78
(3) The name to be used for the person to be adopted;	79
(4) The date of placement of a minor and the name of the person placing the minor;	80 81
(5) The full name, age, place, and duration of residence of the petitioner;	82 83
(6) The marital status of the petitioner, including the date and place of marriage, if married;	84 85
(7) The relationship to the petitioner of the person to be adopted;	86 87
(8) That the petitioner has facilities and resources suitable to provide for the nurture and care of the person to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted;	88 89 90 91 92
(9) A description and estimate of value of all property of the person to be adopted;	93 94
(10) The name and address, if known, of any person whose consent to the adoption is required, but who has not consented, and facts that explain the lack of the consent normally required to the adoption.	95 96 97 98
<u>(11) A statement as to whether the person to be adopted is subject to the temporary custody or protective supervision of a public children services agency or private child placing agency.</u>	99 100 101
(B) A certified copy of the birth certificate of the	102

person to be adopted, if available, and ordinary copies of the 103  
required consents, and relinquishments of consents, if any, 104  
shall be filed with the clerk. 105

Sec. 3107.131. (A) Except as provided in division (B) of 106  
this section, if the child to be adopted dies after the child is 107  
placed in the adoptive home, the court may enter a posthumous 108  
final decree of adoption, upon the request of the adoptive 109  
parent. 110

(B) The adoptive parent is barred from requesting a 111  
posthumous final decree of adoption under division (A) of this 112  
section if the parent is convicted of a crime that resulted in 113  
the adoptive child's death. 114

**Section 2.** That existing section 3107.05 of the Revised 115  
Code is hereby repealed. 116