

As Reported by the House Criminal Justice Committee

132nd General Assembly

Regular Session

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Sub. H. B. No. 283

Representative Rezabek

**Cosponsors: Representatives Koehler, Reineke, LaTourette, Manning, Celebrezze,
Galonski, Lang, Rogers**

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 the Revised Code is not a final, appealable order. 48
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Sec. 3107.047. No probate court shall exercise jurisdiction over a petition for adoption described in section 3107.041 of the Revised Code until the juvenile court with jurisdiction over the abuse, neglect, or dependency case involving the child subject to the petition issues an order granting consent to jurisdiction to the probate court under section 3107.044 of the Revised Code. 50
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Sec. 3107.048. After a juvenile court issues an order granting consent to jurisdiction to a probate court under section 3107.044 of the Revised Code, and until a final adoption decree regarding the child subject to the order is issued, the juvenile court may continue to exercise jurisdiction over the child in conjunction with the probate court. 57
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Sec. 3107.049. After a juvenile court issues an order granting consent to jurisdiction to a probate court under section 3107.044 of the Revised Code, the probate court shall have exclusive jurisdiction over the preadoption placement of the child subject to the order. When the probate court approves the preadoption placement of the child, it shall submit a certified copy of the placement order to the juvenile court. On submission of the placement order any temporary custody or protective supervision order regarding the child terminates. 63
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Sec. 3107.05. (A) A petition for adoption shall be prepared and filed according to the procedure for commencing an action under the Rules of Civil Procedure. It shall include the following information: 72
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(1) The date and place of birth of the person to be 76

adopted, if known;	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 person to be adopted, if available, and ordinary copies of the	102 103

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