



# Ohio Judicial Conference

The Voice of Ohio Judges

House Families and Aging Committee

Judge Kevin Dunn

Proponent Testimony on House Bill 5

June 13, 2023

Chair Schmidt, Vice Chair Miller, Ranking Member Denson and members of the House Families and Aging Committee, I thank you for this opportunity to submit proponent testimony for House Bill 5 on behalf of the Ohio Judicial Conference.

I am Kevin Dunn of the Medina County Court of Common Pleas Probate and Juvenile Divisions, where I have served since 2013. I also serve on the Executive Board of the of the Ohio Association of Probate Judges and serve as a member of the National Probate Judges Association, Ohio Association of Juvenile Court Judges, The Ohio State Bar Association and Medina County Bar Association. I am also a member of the Juvenile Law & Procedure and Probate Law & Procedure committees of the Ohio Judicial Conference.

The Ohio Judicial Conference supports H.B.5, the Adoption Modernization Bill, for the opportunity to codify long-overdue updates to the adoption law and improve the permanent custody process. For the sake of brevity, I will discuss just a few of the many important provisions in this bill.

## **Birth Mother Reimbursement**

Under current law, adoption-related living expenses up to \$3000 may be reimbursed to a birth mother. This statutory rate was set in 2009. H.B. 5 would increase the maximum to \$6000, based on the consensus feedback of interested parties. The probate court retains oversight of the reimbursement process.

## **Domestic Violence and Human Trafficking**

The bill addresses some unfortunate circumstances probate courts have encountered. Last year, the Supreme Court concluded a parent's right to consent to the adoption of his or her child is not extinguished under the Ohio Revised Code for lack of sufficient contact with the child when the parent has acted in compliance with a no-contact order prohibiting communication or contact with his or her minor child because the parent was convicted of murdering the child's other parent. (*See In re Adoption of A.K.*, 168 Ohio St.3d 225, 2022-Ohio-350). H.B. 5 would remove this statutory consent requirement when a parent kills another parent or other caretaker of the child. The bill would also grant probate courts the authority to reconsider an adoption when there is clear and convincing evidence that the child is a victim of human trafficking.

## **Voluntary Surrender**

The bill also contains a provision supported by the juvenile judges to allow the voluntary surrender of parental rights in abuse, neglect and dependency cases. There are times when parents wish to waive all

their due process rights and surrender their parental rights. Case law in several appellate districts does not allow a juvenile court to accept the voluntary surrender of parental rights when a Children Services Agency has temporary custody of a child, based on a narrow reading of the Revised Code. H.B. 5 will provide uniformity and clarify that juvenile courts and Children Services Agencies statewide have the authority to accept surrender of parental rights, when appropriate and in the best interest of the child.

We thank you for the opportunity to testify in support of H.B. 5. We would be happy to work with the sponsors and members of this Committee on any improvements to the bill, if needed. I am available to answer any questions you may have.