

Proponent Testimony on House Bill 5 November 13, 2024

Chair Manning, Vice-chair Reynolds, Ranking Member Hicks-Hudson and Members of the Senate Judiciary Committee, I thank you for this opportunity to submit testimony for Substitute House Bill 5 on behalf of the Ohio Adoption Law Roundtable.

I am attorney John Huffman. I am joined here today by attorney Christine Bollinger and attorney Julia Cain. We are members of the Ohio Adoption Law Roundtable and attorney Cain and I are also Fellows in the national organization of the Academy of Adoption and Assisted Reproduction Attorneys. Attorney Cain and I have been practicing in the field of adoption law for over 35 years and attorney Bollinger for over 20 years. We, along with the other Roundtable members have litigated many of the matters that have helped to shape Ohio's adoption case law over the past several decades.

The Ohio Adoption Law Roundtable was founded in 1998 and is an association of Ohio attorneys who are recognized for their competence and dedication to the field of adoption law. Members of the Roundtable, practice adoption law all throughout Ohio. The Roundtable meets regularly to discuss the complexities of Ohio adoption law, to promote adoption law reform, and to support the highest standards of ethical practice. The ultimate goal of the Roundtable is to promote the best interests of Ohio's children and families.

We have been very privileged to work with Judge Dunn, Judge Gallagher and other Judges, Magistrates, attorneys and lawmakers across the state on this adoption bill. The Adoption Modernization Act is a non-partisan bill designed to promote adoption and the best interest of children. The members of the Adoption Law Roundtable as well as the members of the judiciary and members of the Ohio House of Representatives that worked on this bill span the political landscape, yet no mention of political identities or political ideology were ever a part of our discussions. Adoption is truly a non-partisan issue.

As Judge Gallagher mentioned we met numerous times and spent countless hours discussing, reviewing, researching, writing and, re-writing provisions of this bill. We considered the various types of adoptions, from agency and private adoptions to foster and legal custody adoptions, including family member adoptions and stepparent adoptions. We were also cognizant of the fact that adoptions involve all ages of children from newborns to teenagers coming from a variety of circumstances.

We had several goals with this legislation; however, our number one goal was to ensure children have prompt permanent stable loving homes while respecting the due process rights of parents. We also wanted to honor a birthparent's decision to place their child into a carefully chosen home with a fully vetted and approved adoptive family. We wanted legislation that would not create unnecessary delays and costs, and we wanted consistency across the 88 county Probate Courts.

As Judge Gallagher and Judge Dunn stated in their testimony, H.B. 5 updates Ohio's adoption statutes to codify important case law and to improve the statutory language for future judicial review.

In addition to the items mentioned in the testimony of Judge Dunn and Judge Gallagher, the group also focused on specific notice language and time frames in filing objections in adoption proceedings.

The previous statutory language regarding notice in adoption proceedings was confusing to non-lawyers. Our group parsed the language carefully and re-worded it so that now the Notice is more clear as to the timing and requirements necessary to contest an adoption.

Further, the timeframe for a registered putative father to object to an adoption was reviewed, balancing the need for due process and the need for an infant to have a prompt, permanent, stable home. If a registered putative father of an infant under a year-old wishes to contest an adoption, then he must do so within 14 days of getting served with Notice of the pending adoption. However, we recognized that the circumstances of older children often differ from those of infants and thus the Bill added a 28-day objection period for cases involving those older children.

We also added clarifying language that requires a court to consider whether a registered putative father has provided meaningful and regular maintenance and support for the child or mother during her pregnancy. This language was carefully chosen by our group after taking into consideration, the needs of Ohio's pregnant women, Ohio's children, and the due process constitutional protections required in a proceeding which divests a parent of their parental rights and obligations.

On behalf of the attorneys in the Ohio Adoption Law Roundtable I would also like to thank Representative Ray and Representative Baker for sponsoring the Adoption Modernization Act and collaborating with the probate judges and adoption attorneys on this bill. We would also like to thank the Judges and Magistrates for the hours of time they have spent working on this bill. Finally, we thank this Committee for the opportunity to testify in support of Sub H.B. 5. We believe H.B. 5 if passed will improve Ohio adoption law for generations to come.

I am available to answer any questions the Committee may have.