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Sub. H. B. No. 5

Representatives Ray, Baker

Cosponsors: Representatives Schmidt, Barhorst, Liston, Mathews, White, Abdullahi, Abrams, Blackshear, Brennan, Brent, Brewer, Brown, Callender, Carruthers, Claggett, Cross, Dell'Aquila, Demetriou, Denson, Dobos, Edwards, Forhan, Fowler Arthur, Galonski, Grim, Hall, Hillyer, Hoops, Isaacsohn, Jarrells, John, Johnson, Jones, Kick, King, Klopfenstein, Lampton, Lightbody, Loychik, Manning, McNally, Miller, J., Miller, M., Miranda, Patton, Pavliga, Peterson, Pizzulli, Richardson, Robb Blasdel, Robinson, Rogers, Russo, Seitz, Somani, Stein, Swearingen, Sweeney, Thomas, C., Troy, Upchurch, Williams, Willis, Young, T.

Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hicks-Hudson, Huffman, S., Ingram, Johnson, Kunze, Landis, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Smith, Sykes, Wilkin, Wilson

A BILL

To amend sections 2101.24, 2151.412, 2937.02, 1
3107.01, 3107.011, 3107.02, 3107.03, 3107.04, 2
3107.05, 3107.055, 3107.06, 3107.07, 3107.08, 3
3107.082, 3107.083, 3107.084, 3107.11, 3107.12, 4
3107.14, 3107.16, 3107.161, 3107.17, 3107.18, 5
3107.19, 3107.46, 5103.15, 5103.153, and 6
5103.16; to amend, for the purpose of adopting a 7
new section number as indicated in parentheses, 8
section 3107.051 (3107.052); to enact new 9
section 3107.051 and section 3107.20; and to 10
repeal sections 3107.071 and 3107.13 of the 11
Revised Code to modernize adoption laws. 12

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

Section 1. That sections 2101.24, 2151.412, 2937.02, 13
3107.01, 3107.011, 3107.02, 3107.03, 3107.04, 3107.05, 3107.055, 14
3107.06, 3107.07, 3107.08, 3107.082, 3107.083, 3107.084, 15
3107.11, 3107.12, 3107.14, 3107.16, 3107.161, 3107.17, 3107.18, 16
3107.19, 3107.46, 5103.15, 5103.153, and 5103.16 be amended; 17
section 3107.051 (3107.052) be amended for the purpose of 18
adopting a new section number as indicated in parentheses; and 19
new section 3107.051 and section 3107.20 of the Revised Code be 20
enacted to read as follows: 21

Sec. 2101.24. (A) (1) Except as otherwise provided by law, 22
the probate court has exclusive jurisdiction: 23

(a) To take the proof of wills and to admit to record 24
authenticated copies of wills executed, proved, and allowed in 25
the courts of any other state, territory, or country. If the 26
probate judge is unavoidably absent, any judge of the court of 27
common pleas may take proof of wills and approve bonds to be 28
given, but the record of these acts shall be preserved in the 29
usual records of the probate court. 30

(b) To grant and revoke letters testamentary and of 31
administration; 32

(c) To direct and control the conduct and settle the 33
accounts of executors and administrators and order the 34
distribution of estates; 35

(d) To appoint the attorney general to serve as the 36
administrator of an estate pursuant to section 2113.06 of the 37
Revised Code; 38

(e) To appoint and remove guardians, conservators, and 39
testamentary trustees, direct and control their conduct, and 40
settle their accounts; 41

(f) To grant marriage licenses;	42
(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, as a result of intellectual disability, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;	43 44 45 46 47 48
(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;	49 50 51
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	52 53 54 55
(j) To authorize the completion of real property contracts on petition of executors and administrators;	56 57
(k) To construe wills;	58
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to Chapter 5817. of the Revised Code;	59 60 61
(m) To direct and control the conduct of fiduciaries and settle their accounts;	62 63
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	64 65 66
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	67 68

(p) To hear and determine actions to contest the validity of wills;	69 70
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	71 72 73
(r) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	74 75
(s) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	76 77
(t) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	78 79 80
(u) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	81 82 83
(v) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	84 85 86
(w) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	87 88 89 90 91 92
(x) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance	93 94 95 96

with that section;	97
(y) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	98 99 100
(z) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	101 102 103 104 105 106
(aa) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	107 108 109
(bb) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code;	110 111 112
(cc) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;	113 114 115
(dd) To hear and determine actions relating to the disinterment and reinterment of human remains under section 517.23 of the Revised Code;	116 117 118
(ee) To hear and determine petitions for an order for treatment of a person experiencing alcohol and other drug abuse filed under section 5119.93 of the Revised Code and to order treatment of that nature in accordance with, and take other actions afforded to the court under, sections 5119.90 to 5119.98 of the Revised Code;	119 120 121 122 123 124

<u>(ff) To hear and determine petitions for adoption.</u>	125
(2) In addition to the exclusive jurisdiction conferred upon the probate court by division (A) (1) of this section, the probate court shall have exclusive jurisdiction over a particular subject matter if both of the following apply:	126 127 128 129
(a) Another section of the Revised Code expressly confers jurisdiction over that subject matter upon the probate court.	130 131
(b) No section of the Revised Code expressly confers jurisdiction over that subject matter upon any other court or agency.	132 133 134
(B) (1) The probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the court of common pleas to issue writs and orders, and to hear and determine actions as follows:	135 136 137 138
(a) If jurisdiction relative to a particular subject matter is stated to be concurrent in a section of the Revised Code or has been construed by judicial decision to be concurrent, any action that involves that subject matter;	139 140 141 142
(b) Any action that involves an inter vivos trust; a trust created pursuant to section 5815.28 of the Revised Code; a charitable trust or foundation; subject to divisions (A) (1) (t) and (y) of this section, a power of attorney, including, but not limited to, a durable power of attorney; the medical treatment of a competent adult; or a writ of habeas corpus;	143 144 145 146 147 148
(c) Subject to section 2101.31 of the Revised Code, any action with respect to a probate estate, guardianship, trust, or post-death dispute that involves any of the following:	149 150 151
(i) A designation or removal of a beneficiary of a life	152

insurance policy, annuity contract, retirement plan, brokerage	153
account, security account, bank account, real property, or	154
tangible personal property;	155
(ii) A designation or removal of a payable-on-death	156
beneficiary or transfer-on-death beneficiary;	157
(iii) A change in the title to any asset involving a joint	158
and survivorship interest;	159
(iv) An alleged gift;	160
(v) The passing of assets upon the death of an individual	161
otherwise than by will, intestate succession, or trust.	162
(2) Any action that involves a concurrent jurisdiction	163
subject matter and that is before the probate court may be	164
transferred by the probate court, on its order, to the general	165
division of the court of common pleas.	166
(3) Notwithstanding that the probate court has exclusive	167
jurisdiction to render declaratory judgments under Chapter 5817.	168
of the Revised Code, the probate court may transfer the	169
proceeding to the general division of the court of common pleas	170
pursuant to division (A) of section 5817.04 of the Revised Code.	171
(C) The probate court has plenary power at law and in	172
equity to dispose fully of any matter that is properly before	173
the court, unless the power is expressly otherwise limited or	174
denied by a section of the Revised Code.	175
(D) The jurisdiction acquired by a probate court over a	176
matter or proceeding is exclusive of that of any other probate	177
court, except when otherwise provided by law.	178
Sec. 2151.412. (A) Each public children services agency	179
and private child placing agency shall prepare and maintain a	180

case plan for any child to whom the agency is providing services 181
and to whom any of the following applies: 182

(1) The agency filed a complaint pursuant to section 183
2151.27 of the Revised Code alleging that the child is an 184
abused, neglected, or dependent child; 185

(2) The agency has temporary or permanent custody of the 186
child; 187

(3) The child is living at home subject to an order for 188
protective supervision; 189

(4) The child is in a planned permanent living 190
arrangement. 191

Except as provided by division (A) (2) of section 5103.153 192
of the Revised Code, a private child placing agency providing 193
services to a child who is the subject of a voluntary permanent 194
custody surrender agreement entered into under division ~~(B) (2)~~ 195
(B) (4) of section 5103.15 of the Revised Code is not required to 196
prepare and maintain a case plan for that child. 197

(B) Each public children services agency shall prepare and 198
maintain a case plan for any child for whom the agency is 199
providing in-home services pursuant to an alternative response. 200

(C) (1) The director of children and youth shall adopt 201
rules pursuant to Chapter 119. of the Revised Code setting forth 202
the content and format of case plans required by division (A) of 203
this section and establishing procedures for developing, 204
implementing, and changing the case plans. The rules shall at a 205
minimum comply with the requirements of Title IV-E of the 206
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 207

(2) The director of children and youth shall adopt rules 208

pursuant to Chapter 119. of the Revised Code requiring public 209
children services agencies and private child placing agencies to 210
maintain case plans for children and their families who are 211
receiving services in their homes from the agencies and for whom 212
case plans are not required by division (A) of this section. The 213
rules for public children services agencies shall include the 214
requirements for case plans maintained for children and their 215
families who are receiving services in their homes from public 216
children services agencies pursuant to an alternative response. 217
The agencies shall maintain case plans as required by those 218
rules; however, the case plans shall not be subject to any other 219
provision of this section except as specifically required by the 220
rules. 221

(D) Each public children services agency and private child 222
placing agency that is required by division (A) of this section 223
to maintain a case plan shall file the case plan with the court 224
prior to the child's adjudicatory hearing but no later than 225
thirty days after the earlier of the date on which the complaint 226
in the case was filed or the child was first placed into shelter 227
care. If the agency does not have sufficient information prior 228
to the adjudicatory hearing to complete any part of the case 229
plan, the agency shall specify in the case plan the additional 230
information necessary to complete each part of the case plan and 231
the steps that will be taken to obtain that information. All 232
parts of the case plan shall be completed by the earlier of 233
thirty days after the adjudicatory hearing or the date of the 234
dispositional hearing for the child. 235

(E) Any agency that is required by division (A) of this 236
section to prepare a case plan shall attempt to obtain an 237
agreement among all parties, including, but not limited to, the 238
parents, guardian, or custodian of the child and the guardian ad 239

litem of the child regarding the content of the case plan. If 240
all parties agree to the content of the case plan and the court 241
approves it, the court shall journalize it as part of its 242
dispositional order. If the agency cannot obtain an agreement 243
upon the contents of the case plan or the court does not approve 244
it, the parties shall present evidence on the contents of the 245
case plan at the dispositional hearing. The court, based upon 246
the evidence presented at the dispositional hearing and the best 247
interest of the child, shall determine the contents of the case 248
plan and journalize it as part of the dispositional order for 249
the child. 250

(F) (1) All parties, including the parents, guardian, or 251
custodian of the child, are bound by the terms of the 252
journalized case plan. A party that fails to comply with the 253
terms of the journalized case plan may be held in contempt of 254
court. 255

(2) Any party may propose a change to a substantive part 256
of the case plan, including, but not limited to, the child's 257
placement and the visitation rights of any party. A party 258
proposing a change to the case plan shall file the proposed 259
change with the court and give notice of the proposed change in 260
writing before the end of the day after the day of filing it to 261
all parties and the child's guardian ad litem. All parties and 262
the guardian ad litem shall have seven days from the date the 263
notice is sent to object to and request a hearing on the 264
proposed change. 265

(a) If it receives a timely request for a hearing, the 266
court shall schedule a hearing pursuant to section 2151.417 of 267
the Revised Code to be held no later than thirty days after the 268
request is received by the court. The court shall give notice of 269

the date, time, and location of the hearing to all parties and 270
the guardian ad litem. The agency may implement the proposed 271
change after the hearing, if the court approves it. The agency 272
shall not implement the proposed change unless it is approved by 273
the court. 274

(b) If it does not receive a timely request for a hearing, 275
the court may approve the proposed change without a hearing. If 276
the court approves the proposed change without a hearing, it 277
shall journalize the case plan with the change not later than 278
fourteen days after the change is filed with the court. If the 279
court does not approve the proposed change to the case plan, it 280
shall schedule a hearing to be held pursuant to section 2151.417 281
of the Revised Code no later than thirty days after the 282
expiration of the fourteen-day time period and give notice of 283
the date, time, and location of the hearing to all parties and 284
the guardian ad litem of the child. If, despite the requirements 285
of division (F) (2) of this section, the court neither approves 286
and journalizes the proposed change nor conducts a hearing, the 287
agency may implement the proposed change not earlier than 288
fifteen days after it is submitted to the court. 289

(3) If an agency has reasonable cause to believe that a 290
child is suffering from illness or injury and is not receiving 291
proper care and that an appropriate change in the child's case 292
plan is necessary to prevent immediate or threatened physical or 293
emotional harm, to believe that a child is in immediate danger 294
from the child's surroundings and that an immediate change in 295
the child's case plan is necessary to prevent immediate or 296
threatened physical or emotional harm to the child, or to 297
believe that a parent, guardian, custodian, or other member of 298
the child's household has abused or neglected the child and that 299
the child is in danger of immediate or threatened physical or 300

emotional harm from that person unless the agency makes an 301
appropriate change in the child's case plan, it may implement 302
the change without prior agreement or a court hearing and, 303
before the end of the next day after the change is made, give 304
all parties, the guardian ad litem of the child, and the court 305
notice of the change. Before the end of the third day after 306
implementing the change in the case plan, the agency shall file 307
a statement of the change with the court and give notice of the 308
filing accompanied by a copy of the statement to all parties and 309
the guardian ad litem. All parties and the guardian ad litem 310
shall have ten days from the date the notice is sent to object 311
to and request a hearing on the change. 312

(a) If it receives a timely request for a hearing, the 313
court shall schedule a hearing pursuant to section 2151.417 of 314
the Revised Code to be held no later than thirty days after the 315
request is received by the court. The court shall give notice of 316
the date, time, and location of the hearing to all parties and 317
the guardian ad litem. The agency shall continue to administer 318
the case plan with the change after the hearing, if the court 319
approves the change. If the court does not approve the change, 320
the court shall make appropriate changes to the case plan and 321
shall journalize the case plan. 322

(b) If it does not receive a timely request for a hearing, 323
the court may approve the change without a hearing. If the court 324
approves the change without a hearing, it shall journalize the 325
case plan with the change within fourteen days after receipt of 326
the change. If the court does not approve the change to the case 327
plan, it shall schedule a hearing under section 2151.417 of the 328
Revised Code to be held no later than thirty days after the 329
expiration of the fourteen-day time period and give notice of 330
the date, time, and location of the hearing to all parties and 331

the guardian ad litem of the child. 332

(G) (1) All case plans for children in temporary custody 333
shall have the following general goals: 334

(a) Consistent with the best interest and special needs of 335
the child, to achieve a safe out-of-home placement in the least 336
restrictive, most family-like setting available and in close 337
proximity to the home from which the child was removed or the 338
home in which the child will be permanently placed; 339

(b) To eliminate with all due speed the need for the out- 340
of-home placement so that the child can safely return home. 341

(2) The director of children and youth shall adopt rules 342
pursuant to Chapter 119. of the Revised Code setting forth the 343
general goals of case plans for children subject to 344
dispositional orders for protective supervision, a planned 345
permanent living arrangement, or permanent custody. 346

(H) In the agency's development of a case plan and the 347
court's review of the case plan, the child's health and safety 348
shall be the paramount concern. The agency and the court shall 349
be guided by the following general priorities: 350

(1) A child who is residing with or can be placed with the 351
child's parents within a reasonable time should remain in their 352
legal custody even if an order of protective supervision is 353
required for a reasonable period of time; 354

(2) If both parents of the child have abandoned the child, 355
have relinquished custody of the child, have become incapable of 356
supporting or caring for the child even with reasonable 357
assistance, or have a detrimental effect on the health, safety, 358
and best interest of the child, the child should be placed in 359
the legal custody of a suitable member of the child's extended 360

family; 361

(3) If a child described in division (H) (2) of this 362
section has no suitable member of the child's extended family to 363
accept legal custody, the child should be placed in the legal 364
custody of a suitable nonrelative who shall be made a party to 365
the proceedings after being given legal custody of the child; 366

(4) If the child has no suitable member of the child's 367
extended family to accept legal custody of the child and no 368
suitable nonrelative is available to accept legal custody of the 369
child and, if the child temporarily cannot or should not be 370
placed with the child's parents, guardian, or custodian, the 371
child should be placed in the temporary custody of a public 372
children services agency or a private child placing agency; 373

(5) If the child cannot be placed with either of the 374
child's parents within a reasonable period of time or should not 375
be placed with either, if no suitable member of the child's 376
extended family or suitable nonrelative is available to accept 377
legal custody of the child, and if the agency has a reasonable 378
expectation of placing the child for adoption, the child should 379
be committed to the permanent custody of the public children 380
services agency or private child placing agency; 381

(6) If the child is to be placed for adoption or foster 382
care, the placement shall not be delayed or denied on the basis 383
of the child's or adoptive or foster family's race, color, or 384
national origin. 385

(I) The case plan for a child in temporary custody shall 386
include at a minimum the following requirements if the child is 387
or has been the victim of abuse or neglect or if the child 388
witnessed the commission in the child's household of abuse or 389

neglect against a sibling of the child, a parent of the child, 390
or any other person in the child's household: 391

(1) A requirement that the child's parents, guardian, or 392
custodian participate in mandatory counseling; 393

(2) A requirement that the child's parents, guardian, or 394
custodian participate in any supportive services that are 395
required by or provided pursuant to the child's case plan. 396

(J) (1) Prior to January 1, 2023, a case plan for a child 397
in temporary custody may include, as a supplement, a plan for 398
locating a permanent family placement. The supplement shall not 399
be considered part of the case plan for purposes of division (E) 400
of this section. 401

(2) On and after January 1, 2023, a case plan for a child 402
in temporary custody shall include a permanency plan for the 403
child unless it is documented that such a plan would not be in 404
the best interest of the child. The permanency plan shall 405
describe the services the agency shall provide to achieve 406
permanency for the child if reasonable efforts to return the 407
child to the child's home, or eliminate the continued removal 408
from that home, are unsuccessful. Those services shall be 409
provided concurrently with reasonable efforts to return the 410
child home or eliminate the child's continued removal from home. 411

(3) The director of children and youth, pursuant to 412
Chapter 119. of the Revised Code, shall adopt rules necessary to 413
carry out the purposes of division (J) of this section. 414

(K) (1) A public children services agency may request that 415
the superintendent of the bureau of criminal identification and 416
investigation conduct a criminal records check with respect to a 417
parent, guardian, custodian, prospective custodian, or 418

prospective placement whose actions result in a finding after 419
the filing of a complaint as described in division (A) (1) of 420
this section that a child is an abused, neglected, or dependent 421
child. The public children services agency shall request that 422
the superintendent obtain information from the federal bureau of 423
investigation as part of the criminal records check. 424

(2) At any time on or after the date that is ninety days 425
after September 10, 2012, a prosecuting attorney, or an 426
assistant prosecuting attorney appointed under section 309.06 of 427
the Revised Code, may request that the superintendent of the 428
bureau of criminal identification and investigation conduct a 429
criminal records check with respect to each parent, guardian, 430
custodian, prospective custodian, or prospective placement whose 431
actions resulted in a finding after the filing of a complaint 432
described in division (A) (1) of this section that a child is an 433
abused, neglected, or dependent child. Each prosecuting attorney 434
or assistant prosecuting attorney who makes such a request shall 435
request that the superintendent obtain information from the 436
federal bureau of investigation as part of the criminal records 437
check for each parent, guardian, custodian, prospective 438
custodian, or prospective placement who is a subject of the 439
request. 440

(3) A public children services agency, prosecuting 441
attorney, or assistant prosecuting attorney that requests a 442
criminal records check under division (K) (1) or (2) of this 443
section shall do both of the following: 444

(a) Provide to each parent, guardian, custodian, 445
prospective custodian, or prospective placement for whom a 446
criminal records check is requested a copy of the form 447
prescribed pursuant to division (C) (1) of section 109.572 of the 448

Revised Code and a standard fingerprint impression sheet 449
prescribed pursuant to division (C) (2) of that section and 450
obtain the completed form and impression sheet from the parent, 451
guardian, custodian, prospective custodian, or prospective 452
placement; 453

(b) Forward the completed form and impression sheet to the 454
superintendent of the bureau of criminal identification and 455
investigation. 456

(4) A parent, guardian, custodian, prospective custodian, 457
or prospective placement who is given a form and fingerprint 458
impression sheet under division (K) (3) (a) of this section and 459
who fails to complete the form or provide fingerprint 460
impressions may be held in contempt of court. 461

Sec. 2937.02. (A) When, after arrest, the accused is taken 462
before a court or magistrate, or when the accused appears 463
pursuant to terms of summons or notice, the affidavit or 464
complaint being first filed, the court or magistrate shall, 465
before proceeding further: 466

(1) Inform the accused of the nature of the charge and the 467
identity of the complainant and permit the accused or counsel 468
for the accused to see and read the affidavit or complaint or a 469
copy of the affidavit or complaint; 470

(2) Inform the accused of the right to have counsel and 471
the right to a continuance in the proceedings to secure counsel; 472

(3) Inform the accused of the effect of pleas of guilty, 473
not guilty, and no contest, of the right to trial by jury, and 474
the necessity of making written demand for trial by jury; 475

(4) If the charge is a felony, inform the accused of the 476
nature and extent of possible punishment on conviction and of 477

the right to preliminary hearing; 478

(5) If the charge is a violation of section 2907.02 or 479
2907.03 of the Revised Code, inform the accused that a 480
conviction of or plea of guilty to the violation may result in 481
the following: 482

(a) In accordance with sections 3109.50 to 3109.507 of the 483
Revised Code, the termination, denial, or limitation, as 484
applicable, of the following: 485

(i) The accused's parental rights with respect to a child 486
conceived as a result of the violation; 487

(ii) The rights of a relative of the accused with respect 488
to a child conceived as a result of the violation. 489

(b) The granting of a petition to adopt a child conceived 490
as a result of the violation without the accused's consent as 491
described in division ~~(F)~~ (E) of section 3107.07 of the Revised 492
Code; 493

(c) The termination of the accused's, and the accused's 494
relative's, eligibility to inherit from a child conceived as a 495
result of the violation or the child's lineal descendants 496
pursuant to section 2105.062 of the Revised Code. 497

(B) The court or magistrate may give the information 498
provided pursuant to division (A) of this section to each 499
accused individually, or, if at any time there exists any 500
substantial number of defendants to be arraigned at the same 501
session, the judge or magistrate may, by general announcement or 502
by distribution of printed matter, advise all those accused 503
concerning those rights general in their nature and informing as 504
to individual matters at arraignment. 505

Sec. 3107.01. As used in sections 3107.01 to 3107.19	506
<u>3107.20</u> of the Revised Code:	507
(A) <u>"Adoption" means to create the legal relationship of</u>	508
<u>parent and child between the petitioner and the adopted person,</u>	509
<u>as if the adopted person were a legitimate blood descendant of</u>	510
<u>the petitioner, for all purposes including inheritance and</u>	511
<u>applicability of statutes, documents, and instruments, whether</u>	512
<u>executed before or after the adoption is decreed, and which do</u>	513
<u>not expressly exclude an adopted person from their operation or</u>	514
<u>effect.</u>	515
(B) <u>"Agency" means any public or private organization</u>	516
<u>certified, licensed, or otherwise specially empowered by law or</u>	517
<u>rule to place minors for adoption.</u>	518
(B) (C) <u>"Attorney" means a person who has been admitted to</u>	519
<u>the bar by order of the Ohio supreme court.</u>	520
(D) <u>"Best interest" means the factors a court uses to</u>	521
<u>determine the best interest of a child as set forth in section</u>	522
<u>3107.161 of the Revised Code.</u>	523
(C) (E) <u>"Child" means a son or daughter, whether by birth</u>	524
<u>or by adoption.</u>	525
(D) (F) <u>"Court" means the probate courts of this state,</u>	526
<u>and when the context requires, means the court of any other</u>	527
<u>state empowered to grant petitions for adoption.</u>	528
(G) <u>"Date of placement" means the date on which a child is</u>	529
<u>living with the child's prospective adoptive parent and becomes</u>	530
<u>eligible for adoption pursuant to statutory authority, judgment</u>	531
<u>decree or court order, or as otherwise authorized by law.</u>	532
(E) (H) <u>"Foster caregiver" has the same meaning as in</u>	533

section 5103.02 of the Revised Code. 534

~~(F)~~ (I) "Identifying information" means any of the 535
following with regard to a person: first name, last name, maiden 536
name, alias, social security number, address, telephone number, 537
place of employment, number used to identify the person for the 538
purpose of the statewide education management information system 539
established pursuant to section 3301.0714 of the Revised Code, 540
and any other number federal or state law requires or permits to 541
be used to identify the person. 542

(J) "Kinship caregiver" has the same meaning as in section 543
5101.85 of the Revised Code. 544

(K) "Legal custodian" has the same meaning as in section 545
5103.16 of the Revised Code. 546

(L) "Legal custody" has the same meaning as in section 547
2151.011 of the Revised Code. 548

~~(G)~~ (M) "Minor" means a person under the age of eighteen 549
years. 550

(N) "Parent" means a legally recognized natural or 551
adoptive parent of a child. 552

(O) "Party" means a petitioner, adoptee, or any other 553
person or agency that is part of an adoption proceeding and 554
whose consent to the adoption is necessary but has not been 555
obtained. 556

(P) "Permanent custody" has the same meaning as in section 557
2151.011 of the Revised Code. 558

(Q) "Placement" means the act by a public children 559
services agency, a private child placing agency, or a parent who 560
is utilizing an agency or attorney that is intended to arrange 561

<u>for the care or custody of a child in accordance with Chapter</u>	562
<u>5103. of the Revised Code.</u>	563
<u>(R) "Planned permanent living arrangement" has the same</u>	564
<u>meaning as in section 2151.011 of the Revised Code.</u>	565
(H) <u>(S) "Putative father" means a man, including one under</u>	566
<u>age eighteen, who may be a child's father and to whom all of the</u>	567
<u>following apply:</u>	568
(1) He is not married to the child's mother at the time of	569
the child's conception or birth;	570
(2) He has not adopted the child;	571
(3) He has not been determined, prior to the date a	572
petition to adopt the child is filed, to have a parent and child	573
relationship with the child by a court proceeding pursuant to	574
sections 3111.01 to 3111.18 of the Revised Code, a court	575
proceeding in another state, an administrative agency proceeding	576
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or	577
an administrative agency proceeding in another state;	578
(4) He has not acknowledged paternity of the child	579
pursuant to sections 3111.21 to 3111.35 of the Revised Code.	580
Sec. 3107.011. (A) A <u>Except for an adoption by a</u>	581
<u>stepparent, a grandparent, adult sibling, a legal custodian, or</u>	582
<u>a guardian, a person seeking to adopt a minor shall utilize an</u>	583
<u>agency or attorney to arrange the adoption. Only an agency or</u>	584
<u>attorney may arrange an adoption. An attorney may not represent</u>	585
<u>with regard to the adoption both the person seeking to adopt and</u>	586
<u>the parent placing a child for adoption. <u>As used in this</u></u>	587
<u>chapter, "grandparent," "adult sibling," "legal custodian," and</u>	588
<u>"guardian" include that individual's spouse when a joint</u>	589
<u>adoption is pending.</u>	590

Any person may informally aid or promote an adoption by 591
making a person seeking to adopt a minor aware of a minor who 592
will be or is available for adoption. 593

(B) A person seeking to adopt a minor who knowingly makes 594
a false statement that is included in an application submitted 595
to an agency or attorney to obtain services of that agency or 596
attorney in arranging an adoption is guilty of the offense of 597
falsification under section 2921.13 of the Revised Code. 598

Sec. 3107.02. (A) Any minor may be adopted. 599

(1) A final decree of adoption shall not be issued and an 600
interlocutory order of adoption does not become final until the 601
person to be adopted has lived in the adoptive home for at least 602
six months after placement by an agency, or for at least six 603
months after the department of job and family services or the 604
court has been informed of the placement of the person with the 605
petitioner, and the department or court has had an opportunity 606
to observe or investigate the adoptive home, or in the case of 607
adoption by a stepparent, until at least six months after the 608
filing of the petition, or until the child has lived in the home 609
for at least six months. 610

(2) In the case of a foster caregiver adopting a foster 611
child, a person adopting a child to whom the person is related, 612
a kinship caregiver, a legal custodian, or a guardian adopting a 613
child, the court shall apply the amount of time the child lived 614
in the home of the foster caregiver, relative, kinship 615
caregiver, legal custodian, or guardian prior to the date the 616
foster caregiver, relative, kinship caregiver, legal custodian, 617
or guardian files the petition to adopt the child toward the 618
six-month waiting period established by division (A)(1) of this 619
section. 620

(B) An adult may be adopted under any of the following 621
conditions: 622

(1) If the adult is totally or permanently disabled; 623

(2) If the adult is determined to be a person with ~~an~~ 624
intellectual disability a developmental disability, as defined in 625
section 5123.01 of the Revised Code; 626

(3) If the adult had established a child-foster caregiver, 627
kinship caregiver, or child-stepparent relationship with the 628
petitioners as a minor, and the adult consents to the adoption; 629

(4) If the adult was, at the time of the adult's 630
eighteenth birthday, in the permanent custody of or in a planned 631
permanent living arrangement with a public children services 632
agency or a private child placing agency, and the adult consents 633
to the adoption; 634

(5) If the adult is the child of the spouse of the 635
petitioner, and the adult consents to the adoption. 636

(C) When proceedings to adopt a minor are initiated by the 637
filing of a petition, and the eighteenth birthday of the minor 638
occurs prior to the decision of the court, the court shall 639
require the person who is to be adopted to submit a written 640
statement of consent or objection to the adoption. If an 641
objection is submitted, the petition shall be dismissed, and if 642
a consent is submitted, the court shall proceed with the case, 643
and may issue an interlocutory order or final decree of 644
adoption. 645

(D) ~~Any physical examination of the individual to be~~ 646
~~adopted as part of or in contemplation of a petition to adopt~~ 647
~~may be conducted by any health professional authorized by the~~ 648
~~Revised Code to perform physical examinations, including a~~ 649

~~physician assistant, a clinical nurse specialist, a certified
nurse practitioner, or a certified nurse midwife. Any written
documentation of the physical examination shall be completed by
the healthcare professional who conducted the examination.~~ 650
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~~(E) An adult who consents to an adoption pursuant to
division (B) (4) of this section shall provide the court with the
name and contact information of the public children services
agency or private child placing agency that had permanent
custody of or a planned permanent living arrangement with that
adult. The petitioner shall request verification from the agency
as to whether the adult was or was not in the permanent custody
of or in a planned permanent living arrangement with that agency
at the time of the adult's eighteenth birthday and provide the
verification to the court.~~ 654
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~~(F) As used in this section:~~ 664

~~(1) "Developmental disability" has the same meaning as in
section 5123.01 of the Revised Code.~~ 665
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~~(2) "Kinship caregiver" has the same meaning as in section
5101.85 of the Revised Code.~~ 667
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~~(3) "Permanent custody" and "planned permanent living
arrangement" have the same meanings as in section 2151.011 of
the Revised Code.~~ 669
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Sec. 3107.03. The following persons may adopt: 672

(A) A husband and wife together, at least one of whom is
an adult; 673
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(B) An unmarried adult; 675

~~(C) The unmarried minor parent of the person to be
adopted;~~ 676
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~~(D)~~—A married adult without the other spouse joining as a petitioner if any of the following apply:

(1) The other spouse is a parent of the person to be adopted and ~~supports~~ consents to the adoption;

(2) The petitioner and the other spouse are separated under section 3103.06 or 3105.17 of the Revised Code;

(3) The failure of the other spouse to join in the petition or to ~~support~~ consent to the adoption is found by the court to be by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or unreasonably difficult to obtain either the ~~support~~ consent or refusal of the other spouse.

Sec. 3107.04. (A) A petition for adoption shall be filed in the court in the county in which the person to be adopted was born, or in which, at the time of filing the petition, the petitioner or the person to be adopted or parent of the person to be adopted resides, or in which the petitioner is stationed in military service, or in which the agency having the permanent custody of the person to be adopted is located.

(B) If the court finds in the interest of justice that the case should be heard in another forum, the court may stay the proceedings or dismiss the petition in whole or in part on any conditions that are just, or certify the case to another court.

(C) The caption of a petition for adoption shall be styled, "in the matter of adoption of _____". The person to be adopted shall be designated in the caption under the name by which ~~he~~ the person is to be known if the petition is granted.

Sec. 3107.05. (A) A petition for adoption shall be

prepared and filed according to the procedure for commencing an 707
action under the Rules of Civil Procedure. It shall include the 708
following information: 709

(1) The date and place of birth of the person to be 710
adopted, if known; 711

(2) The name of the person to be adopted, if known; 712

(3) The name to be used for the person to be adopted; 713

(4) The date of placement of a minor and the name of the 714
person placing the minor; 715

(5) The full name, age, place, and duration of residence 716
of the petitioner; 717

(6) The marital status of the petitioner, including the 718
date and place of marriage, if married; 719

(7) The relationship to the petitioner of the person to be 720
adopted; 721

(8) That the petitioner has facilities and resources 722
suitable to provide for the nurture and care of the person to be 723
adopted, and that it is the desire of the petitioner to 724
establish the relationship of parent and child with the person 725
to be adopted; 726

(9) A description and estimate of value of all property of 727
the person to be adopted; 728

(10) The name and address, if known, of any person whose 729
consent to the adoption is required, but who has not consented, 730
and facts that explain the lack of the consent normally required 731
to the adoption. 732

(B) A certified copy of the birth certificate of the 733

person to be adopted, if available, and ~~ordinary copies~~ of the 734
required consents, and relinquishments of consents, if any, 735
shall be filed with the clerk. 736

Sec. 3107.051. A petition for adoption shall be subject to 737
the placement requirements set forth in section 5103.16 of the 738
Revised Code. 739

~~Sec. 3107.051~~ 3107.052. (A) Except as provided in division 740
(B) of this section, a person seeking to adopt a minor, or the 741
agency or attorney arranging the adoption, shall submit a 742
petition for the minor's adoption no later than ninety days 743
after the date the minor is placed in the person's home. Failure 744
to file a petition within the time provided by this division 745
does not affect a court's jurisdiction to hear the petition and 746
is not grounds for denying the petition. 747

(B) This section does not apply if any of the following 748
apply: 749

(1) The person seeking to adopt the minor is the minor's 750
stepparent; 751

(2) The minor was not originally placed in the person's 752
home with the purpose of the person adopting the minor; 753

(3) The minor is a "child with special needs," as defined 754
by the director of children and youth in accordance with section 755
5153.163 of the Revised Code. 756

Sec. 3107.055. (A) (1) Notwithstanding section 3107.01 of 757
the Revised Code, as used in this section, "agency" does not 758
include a public children services agency. 759

(2) As used in this section, "living expenses" means any 760
of the following expenses incurred by a birth mother: 761

(a) Rental or mortgage payments;	762
(b) Utility payments;	763
(c) Payments for products or services required for the birth mother's or minor's sustenance or safety including, but not limited to, food, household goods, personal care items, and the costs of transportation to work or school.	764 765 766 767
(B) An agency or attorney, whichever arranges a minor's adoption, shall file with the court a preliminary estimate accounting not later than the time the adoption petition for the minor is filed with the court. The agency or attorney, whichever arranges the adoption, also shall file a final accounting with the court before a final decree of adoption is issued or an interlocutory order of adoption is finalized for the minor. The agency or attorney shall complete and file accountings in a manner acceptable to the court.	768 769 770 771 772 773 774 775 776
An accounting shall specify all disbursements of anything of value the petitioner, a person on the petitioner's behalf, and the agency or attorney made and has agreed to make in connection with the minor's permanent surrender under division (B) of section 5103.15 of the Revised Code, placement under section 5103.16 of the Revised Code, and adoption under this chapter. The agency or attorney shall include in an accounting an itemization of each expense listed in division (C) of this section. The itemization of the expenses specified in divisions (C) (3) and (4) of this section shall show the amount the agency or attorney charged or is going to charge for the services and the actual cost to the agency or attorney of providing the services. An accounting shall indicate whether any expenses listed in division (C) of this section do not apply to the adoption proceeding for which the accounting is filed.	777 778 779 780 781 782 783 784 785 786 787 788 789 790 791

The agency or attorney shall include with a preliminary estimate accounting and a final accounting a written statement signed by the petitioner that the petitioner has reviewed the accounting and attests to its accuracy.

(C) No petitioner, person acting on a petitioner's behalf, or agency or attorney shall make or agree to make any disbursements in connection with the minor's permanent surrender, placement, or adoption other than for the following:

(1) Physician expenses incurred on behalf of the birth mother or minor in connection with prenatal care, delivery, and confinement prior to or following the minor's birth;

(2) Hospital or other medical facility expenses incurred on behalf of the birth mother or minor in connection with the minor's birth;

(3) Expenses charged by the attorney arranging the adoption for providing legal services in connection with the placement and adoption, including expenses incurred by the attorney pursuant to sections 3107.031, 3107.032, 3107.081, 3107.082, 3107.09, 3107.101, and 3107.12 of the Revised Code;

(4) Expenses charged by the agency arranging the adoption for providing services in connection with the permanent surrender and adoption, including the agency's application fee and the expenses incurred by the agency pursuant to sections 3107.031, 3107.032, 3107.09, 3107.101, 3107.12, 5103.151, and 5103.152 of the Revised Code;

(5) Temporary costs of routine maintenance and medical care for a minor required under section 5103.16 of the Revised Code if the person seeking to adopt the minor refuses to accept placement of the minor;

(6) Guardian ad litem fees incurred on behalf of the minor	821
in any court proceedings;	822
(7) Foster care expenses incurred in connection with any	823
temporary care and maintenance of the minor;	824
(8) Court expenses incurred in connection with the minor's	825
permanent surrender, placement, and adoption;	826
(9) Living expenses not exceeding three <u>six</u> thousand	827
dollars for the birth mother that are incurred during pregnancy	828
through the sixtieth day after the date the minor is born and	829
paid by the petitioner to the birth mother through the attorney	830
or agency arranging the minor's adoption.	831
(D) If a court determines from an accounting that an	832
amount that is going to be disbursed for an expense listed in	833
division (C) of this section is unreasonable, the court may	834
order a reduction in the amount to be disbursed. If a court	835
determines from an accounting that an unreasonable amount was	836
disbursed for an expense listed in division (C) of this section,	837
the court may order the person who received the disbursement to	838
refund to the person who made the disbursement an amount the	839
court orders.	840
If a court determines from an accounting that a	841
disbursement for an expense not permitted by division (C) of	842
this section is going to be made, the court may issue an	843
injunction prohibiting the disbursement. If a court determines	844
from an accounting that a disbursement for an expense not	845
permitted by division (C) of this section was made, the court	846
may order the person who received the disbursement to return it	847
to the person who made the disbursement.	848
If a court determines that a final accounting does not	849

completely report all the disbursements that are going to be 850
made or have been made in connection with the minor's permanent 851
surrender, placement, and adoption, the court shall order the 852
agency or attorney to file with the court an accounting that 853
completely reports all such disbursements. 854

The agency or attorney shall file the final accounting 855
with the court not later than ten days prior to the date 856
scheduled for the final hearing on the adoption. ~~The~~ Unless good 857
cause is shown, the court may shall not issue a final decree of 858
adoption or finalize an interlocutory order of adoption of a 859
minor until at least ten days after the agency or attorney files 860
the final accounting. 861

(E) An attorney or agency that makes payments for services 862
or items that qualify as living expenses under division (C) (9) 863
of this section shall make a reasonable and good faith effort to 864
make the payments directly to the entity providing the service 865
or item. 866

(F) This section does not apply to an adoption by a 867
~~stepparent whose spouse is a biological or adoptive parent of~~ 868
~~the minor, a grandparent, adult sibling, a legal custodian, or a~~ 869
guardian. 870

Sec. 3107.06. Unless consent is not required under section 871
3107.07 of the Revised Code, a petition to adopt a minor may be 872
granted only if written consent to the adoption has been 873
executed by all of the following: 874

(A) ~~The mother of the minor;~~ 875

~~(B) The father~~ The parents of the minor, including if any 876
of the following apply: 877

(1) The minor was conceived or born while the ~~father was~~ 878

~~married to the mother~~parents were married; 879

(2) The minor is ~~his~~the child of the parent by adoption; 880

(3) Prior to the date the petition was filed, it was 881
determined by a court proceeding pursuant to sections 3111.01 to 882
3111.18 of the Revised Code, a court proceeding in another 883
state, an administrative proceeding pursuant to sections 3111.38 884
to 3111.54 of the Revised Code, or an administrative proceeding 885
in another state that ~~he has~~ a parent and child relationship 886
~~with the minor~~exists; 887

(4) ~~He~~The parent acknowledged paternity of the child and 888
that acknowledgment has become final pursuant to section 889
2151.232, 3111.25, or 3111.821 of the Revised Code. 890

~~(C)~~(B) The putative father of the minor; 891

~~(D)~~(C) Any person or agency having permanent custody of 892
the minor or authorized by court order to consent; 893

~~(E)~~(D) The minor, if more than twelve years of age, 894
unless the court, finding that it is in the best interest of the 895
minor, determines that the minor's consent is not required. 896

Sec. 3107.07. Consent to adoption is not required of any 897
of the following: 898

(A) A parent of a minor, when it is alleged in the 899
adoption petition and the court, after proper service of notice 900
and hearing, finds by clear and convincing evidence that the 901
parent has failed without justifiable cause to ~~provide~~have more 902
than de minimis contact with the minor or to provide ~~for the~~ 903
meaningful and regular maintenance and support of the minor as 904
required by law or judicial decree for a period of ~~at least~~ one 905
year immediately preceding ~~either~~ the filing of the adoption 906

~~petition or the placement of the minor in the home of the~~ 907
~~petitioner.~~ 908

(B) The putative father of a minor if either of the 909
following applies: 910

(1) The putative father fails to register as the minor's 911
putative father with the Ohio putative father registry 912
established under section 3107.062 of the Revised Code in 913
accordance with rule 5101:2-48-02 of the Ohio Administrative 914
Code, not later than fifteen days after the minor's birth; 915

(2) The court finds, after proper service of notice and 916
hearing, that any of the following are the case: 917

(a) The putative father is not the father of the minor; 918

(b) The putative father has ~~willfully abandoned or failed~~ 919
without justifiable cause to care for and have more than de 920
minimis contact with the minor or to provide meaningful and 921
regular maintenance and support for the minor; 922

(c) The putative father has willfully ~~abandoned~~ failed to 923
meaningfully and regularly care for and support the mother of 924
the minor during her pregnancy and up to the time of her 925
surrender of the minor, or the minor's placement in the home of 926
the petitioner or petitioners, whichever occurs first. 927

(C) ~~Except as provided in section 3107.071 of the Revised~~ 928
~~Code,~~ a A parent who has entered into a properly executed 929
voluntary permanent custody surrender agreement under division 930
(B) of section 5103.15 of the Revised Code; 931

(D) A parent whose parental rights have been terminated by 932
order of a juvenile court under Chapter 2151. of the Revised 933
Code or by any other court of competent jurisdiction; 934

~~(E) A parent who is married to the petitioner and supports the adoption;~~ 935
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~~(F) The father, putative father, or mother, of a minor if the minor is conceived as the result of the commission of rape or sexual battery by the father, putative father, or mother and the father, putative father, or mother is convicted of or pleads guilty to the commission of that offense. As used in this division, "rape" means a violation of section 2907.02 of the Revised Code or a similar law of another state and "sexual battery" means a violation of section 2907.03 of the Revised Code or a similar law of another state.~~ 937
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~~(G) (F) A legal guardian or guardian ad litem of a parent judicially declared incompetent in a separate court proceeding who has failed to respond in writing to a request for consent, for a period of thirty days, or who, after examination of the written reasons for withholding consent, is found by the court to be withholding consent unreasonably;~~ 946
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~~(H) (G) Any legal guardian or lawful custodian agency having permanent custody of the person to be adopted, other than a parent, who has failed to respond in writing to a request for consent, for a period of thirty days, or who, after examination of the written reasons for withholding consent, is found by the court to be withholding consent unreasonably;~~ 952
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~~(I) The spouse of the person to be adopted, if the failure of the spouse to consent to the adoption is found by the court to be by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or unreasonably difficult to obtain the consent or refusal of the spouse;~~ 958
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~~(J)~~ (H) Any parent, legal guardian, or other lawful 964
custodian in a foreign country, if the person to be adopted has 965
been released for adoption pursuant to the laws of the country 966
in which the person resides and the release of such person is in 967
a form that satisfies the requirements of the citizenship and 968
immigration and naturalization service services of the United 969
States department of ~~justice~~ homeland security for purposes of 970
immigration to the United States pursuant to section 101(b) (1) 971
(F) of the "Immigration and Nationality Act," 75 Stat. 650 972
(1961), 8 U.S.C. 1101(b) (1) (F), as amended or reenacted. 973

~~(K)~~ (I) Except as provided in divisions ~~(G)~~ (F) and ~~(H)~~ 974
(G) of this section, a juvenile court, agency, or person given 975
notice of the petition pursuant to division (A) (1) of section 976
3107.11 of the Revised Code that fails to ~~file an objection to~~ 977
~~the petition within fourteen days after proof is filed pursuant~~ 978
~~to division (B) of that section that the notice was given~~ comply 979
with the requirements described in division (B) of that section; 980

(J) A parent who has been convicted of or pleaded guilty 981
to a criminal offense that resulted in any of the following: 982

(1) The death of the minor's other parent, legal 983
custodian, guardian, or primary care provider; 984

(2) A term of incarceration of that parent that is 985
expected to extend beyond the minor's age of majority. 986

~~(L)~~ (K) Any guardian, custodian, or other party who has 987
temporary custody of the child. 988

Sec. 3107.08. (A) The required consent to adoption may be 989
executed at any time after seventy-two hours after the birth of 990
a minor, and shall be executed in the following manner: 991

(1) If by the person to be adopted, whether a minor or an 992

<u>adult</u> , in the presence of the court;	993
(2) If by a parent of the person to be adopted, in accordance with section 3107.081 of the Revised Code;	994 995
(3) If by an agency, by the executive head or other authorized representative, in the presence of a person authorized to take acknowledgments;	996 997 998
(4) If by any other person, in the presence of the court or in the presence of a person authorized to take acknowledgments;	999 1000 1001
(5) If by a juvenile court, by appropriate order.	1002
(B) A consent which does not name or otherwise identify the prospective adoptive parent is valid if it contains a statement by the person giving consent that it was voluntarily executed irrespective of disclosure of the name or other identification of the prospective adoptive parent.	1003 1004 1005 1006 1007
Sec. 3107.082. Not less than seventy-two hours prior to the date a parent executes consent to the adoption of the parent's child under section 3107.081 of the Revised Code, an assessor shall meet in person with the parent and do both of the following unless the child is to be adopted by a stepparent, <u>adult sibling, or grandparent</u> or the parent resides in another state:	1008 1009 1010 1011 1012 1013 1014
(A) Provide the parent with a copy of the written materials about adoption prepared under division (C) of section 3107.083 of the Revised Code, discuss with the parent the adoption process and ramifications of a parent consenting to a child's adoption, and provide the parent the opportunity to review the materials and to ask questions about the materials, discussion, and related matters;	1015 1016 1017 1018 1019 1020 1021

(B) If the child, if adopted, will be an adopted person as 1022
defined in section 3107.45 of the Revised Code, inform the 1023
parent that the child and the adoptive parent may receive, in 1024
accordance with section 3107.47 of the Revised Code, identifying 1025
information about the parent that is contained in the child's 1026
adoption file maintained by the department of health unless the 1027
parent checks the "no" space provided on the component of the 1028
form prescribed under division (A) (1) (b) of section 3107.083 of 1029
the Revised Code or signs and has filed with the department a 1030
denial of release form prescribed under section 3107.50 of the 1031
Revised Code. 1032

Sec. 3107.083. The director of children and youth shall do 1033
all of the following: 1034

(A) (1) For a parent of a child who, if adopted, will be an 1035
adopted person as defined in section 3107.45 of the Revised 1036
Code, prescribe a form that has the following six components: 1037

(a) A component the parent signs under section ~~3107.071,~~ 1038
~~3107.081,~~ or 5103.151 of the Revised Code to indicate the 1039
requirements of section 3107.082 or 5103.152 of the Revised Code 1040
have been met. The component shall be as follows: 1041

"Statement Concerning Ohio Law and Adoption Materials 1042

By signing this component of this form, I acknowledge that 1043
it has been explained to me, and I understand, that, if I check 1044
the space on the next component of this form that indicates that 1045
I authorize the release, the adoption file maintained by the 1046
Ohio Department of Health, which contains identifying 1047
information about me at the time of my child's birth, will be 1048
released, on request, to the adoptive parent when the adoptee is 1049
at least age eighteen but younger than age twenty-one and to the 1050

adoptee when he or she is age twenty-one or older. It has also 1051
been explained to me, and I understand, that I may prohibit the 1052
release of identifying information about me contained in the 1053
adoption file by checking the space on the next component of 1054
this form that indicates that I do not authorize the release of 1055
the identifying information. It has additionally been explained 1056
to me, and I understand, that I may change my mind regarding the 1057
decision I make on the next component of this form at any time 1058
and as many times as I desire by signing, dating, and having 1059
filed with the Ohio Department of Health a denial of release 1060
form or authorization of release form prescribed and provided by 1061
the Department of Health and providing the Department two items 1062
of identification. 1063

By signing this component of this form, I also acknowledge 1064
that I have been provided a copy of written materials about 1065
adoption prepared by the Ohio Department of Children and Youth, 1066
the adoption process and ramifications of consenting to adoption 1067
or entering into a voluntary permanent custody surrender 1068
agreement have been discussed with me, and I have been provided 1069
the opportunity to review the materials and ask questions about 1070
the materials and discussion. 1071

Signature of biological parent: _____ 1072

Signature of witness: _____ 1073

Date: _____" 1074

(b) A component the parent signs under section ~~3107.071~~, 1075
3107.081~~7~~ or 5103.151 of the Revised Code regarding the parent's 1076
decision whether to allow identifying information about the 1077
parent contained in an adoption file maintained by the 1078
department of health to be released to the parent's child and 1079

adoptive parent pursuant to section 3107.47 of the Revised Code. 1080

The component shall be as follows: 1081

"Statement Regarding Release of Identifying Information 1082

The purpose of this component of this form is to allow a 1083

biological parent to decide whether to allow the Ohio Department 1084

of Health to provide an adoptee and adoptive parent identifying 1085

information about the adoptee's biological parent contained in 1086

an adoption file maintained by the Department. Please check one 1087

of the following spaces: 1088

_____ YES, I authorize the Ohio Department of Health to 1089

release identifying information about me, on request, to the 1090

adoptive parent when the adoptee is at least age eighteen but 1091

younger than age twenty-one and to the adoptee when he or she is 1092

age twenty-one or older. 1093

_____ NO, I do not authorize the release of identifying 1094

information about me to the adoptive parent or adoptee. 1095

Signature of biological parent: _____ 1096

Signature of witness: _____ 1097

Date: _____" 1098

(c) A component the parent, if the mother of the child, 1099

completes and signs under section ~~3107.071~~, 3107.081, or 1100

5103.151 of the Revised Code to indicate, to the extent of the 1101

mother's knowledge, all of the following: 1102

(i) Whether the mother, during her pregnancy, was a 1103

recipient of the medicaid program or other public health 1104

insurance program and, if so, the dates her eligibility began 1105

and ended; 1106

- (ii) Whether the mother, during her pregnancy, was covered 1107
by private health insurance and, if so, the dates the coverage 1108
began and ended, the name of the insurance provider, the type of 1109
coverage, and the identification number of the coverage; 1110
- (iii) The name and location of the hospital, freestanding 1111
birthing center, or other place where the mother gave birth and, 1112
if different, received medical care immediately after giving 1113
birth; 1114
- (iv) The expenses of the obstetrical and neonatal care; 1115
- (v) Whether the mother has been informed that the adoptive 1116
parent or the agency or attorney arranging the adoption are to 1117
pay expenses involved in the adoption, including expenses the 1118
mother has paid and expects to receive or has received 1119
reimbursement, and, if so, what expenses are to be or have been 1120
paid and an estimate of the expenses; 1121
- (vi) Any other information related to expenses the 1122
department determines appropriate to be included in this 1123
component. 1124
- (d) A component the parent may sign to authorize the 1125
agency or attorney arranging the adoption to provide to the 1126
child or adoptive parent materials, other than photographs of 1127
the parent, that the parent requests be given to the child or 1128
adoptive parent pursuant to section 3107.68 of the Revised Code. 1129
- (e) A component the parent may sign to authorize the 1130
agency or attorney arranging the adoption to provide to the 1131
child or adoptive parent photographs of the parent pursuant to 1132
section 3107.68 of the Revised Code. 1133
- (f) A component the parent may sign to authorize the 1134
agency or attorney arranging the adoption to provide to the 1135

child or adoptive parent the first name of the parent pursuant 1136
to section 3107.68 of the Revised Code. 1137

(2) State at the bottom of the form that the parent is to 1138
receive a copy of the form the parent signed. 1139

(3) Provide copies of the form prescribed under this 1140
division to probate and juvenile courts, public children 1141
services agencies, private child placing agencies, private 1142
noncustodial agencies, attorneys, and persons authorized to take 1143
acknowledgments. 1144

(B) (1) For a parent of a child who, if adopted, will 1145
become an adopted person as defined in section 3107.38 of the 1146
Revised Code, prescribe a form that has the following five 1147
components: 1148

(a) A component the parent signs under section ~~3107.071,~~ 1149
~~3107.081,~~ or 5103.151 of the Revised Code to attest that the 1150
requirement of division (A) of section 3107.082 or division (A) 1151
of section 5103.152 of the Revised Code has been met; 1152

(b) A component the parent, if the mother of the child, 1153
completes and signs under section ~~3107.071,~~ ~~3107.081,~~ or 1154
5103.151 of the Revised Code to indicate, to the extent of the 1155
mother's knowledge, all of the following: 1156

(i) Whether the mother, during her pregnancy, was a 1157
recipient of the medicaid program or other public health 1158
insurance program and, if so, the dates her eligibility began 1159
and ended; 1160

(ii) Whether the mother, during her pregnancy, was covered 1161
by private health insurance and, if so, the dates the coverage 1162
began and ended, the name of the insurance provider, the type of 1163
coverage, and the identification number of the coverage; 1164

- (iii) The name and location of the hospital, freestanding birthing center, or other place where the mother gave birth and, if different, received medical care immediately after giving birth; 1165
1166
1167
1168
- (iv) The expenses of the obstetrical and neonatal care; 1169
- (v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement for, and, if so, what expenses are to be or have been paid and an estimate of the expenses; 1170
1171
1172
1173
1174
1175
- (vi) Any other information related to expenses the department determines appropriate to be included in the component. 1176
1177
1178
- (c) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code. 1179
1180
1181
1182
1183
- (d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code. 1184
1185
1186
1187
- (e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code. 1188
1189
1190
1191
- (2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed. 1192
1193

(3) Provide copies of the form prescribed under this 1194
division to probate and juvenile courts, public children 1195
services agencies, private child placing agencies, private 1196
noncustodial agencies, attorneys, and persons authorized to take 1197
acknowledgments. 1198

(C) Prepare the written materials about adoption that are 1199
required to be given to parents under division (A) of section 1200
3107.082 and division (A) of section 5103.152 of the Revised 1201
Code. The materials shall provide information about the adoption 1202
process, including ramifications of a parent consenting to a 1203
child's adoption or entering into a voluntary permanent custody 1204
surrender agreement. The materials also shall include referral 1205
information for professional counseling and adoption support 1206
organizations. The director shall provide the materials to 1207
assessors. 1208

(D) Adopt rules in accordance with Chapter 119. of the 1209
Revised Code specifying the documents that must be filed with a 1210
probate court under divisions (B) and (D) of section 3107.081 of 1211
the Revised Code and a juvenile court under divisions (C) and 1212
(E) of section 5103.151 of the Revised Code. 1213

Sec. 3107.084. (A) A consent to adoption is irrevocable 1214
and cannot be withdrawn after ~~the entry of an interlocutory~~ 1215
~~order or after the entry of a or final decree of adoption when~~ 1216
~~no interlocutory order has been entered.~~ The consent of a minor 1217
is not voidable by reason of the minor's age. 1218

(B) A consent to adoption may be withdrawn prior to the 1219
entry of an interlocutory order or prior to the entry of a final 1220
decree of adoption ~~when no interlocutory order has been entered~~ 1221
if the court finds after hearing that the withdrawal is in the 1222
best interest of the person to be adopted and the court by order 1223

authorizes the withdrawal of consent. Notice of the hearing 1224
shall be given to the petitioner, the person seeking the 1225
withdrawal of consent, and the agency placing the minor for 1226
adoption. 1227

Sec. 3107.11. (A) After the filing of a petition to adopt 1228
an adult or a minor, the court shall fix a time and place for 1229
hearing the petition. The hearing may take place at any time 1230
~~more not earlier~~ than thirty days after the date on which the 1231
minor is placed in the home of the petitioner. At least ~~twenty-~~ 1232
thirty days before the date of hearing, notice of the filing of 1233
the petition and of the time and place of hearing shall be given 1234
by the court to all of the following: 1235

(1) Any juvenile court, agency, or person whose consent to 1236
the adoption is required by this chapter but who has not 1237
consented; 1238

(2) A person whose consent is not required as provided by 1239
division (A), (F), or (G), ~~(H), or (I)~~ of section 3107.07 of the 1240
Revised Code and has not consented; 1241

(3) Any guardian, legal custodian, or other party who has 1242
temporary custody, or any agency that has permanent custody, of 1243
the child. 1244

Notice shall not be given to a person whose consent is not 1245
required as provided by division (B), (C), (D), (E), ~~(F), (G),~~ 1246
or ~~(J) (H)~~ of section 3107.07, ~~or section 3107.071,~~ of the 1247
Revised Code. Second notice shall not be given to a juvenile 1248
court, agency, or person whose consent is not required as 1249
provided by division ~~(K) (I)~~ of section 3107.07 of the Revised 1250
Code because the court, agency, or person failed to ~~file an~~ 1251
~~objection to the petition within fourteen days~~ appear at the 1252

hearing and object to the petition for adoption after proof was 1253
filed pursuant to division (B) of this section that a first 1254
notice was given to the court, agency, or person pursuant to 1255
division (A) (1) of this section. 1256

(B) Upon the filing of a petition for adoption that 1257
alleges that a parent has failed without justifiable cause to 1258
~~provide~~ have more than de minimis contact with the minor or to 1259
provide for the maintenance and support of the minor, the clerk 1260
of courts shall send a notice to that parent with the following 1261
language in boldface type and in all capital letters: 1262

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL ~~RELIEVE YOU~~ 1263
~~OF ALL~~ TERMINATE YOUR PARENTAL RIGHTS AND RESPONSIBILITIES, 1264
INCLUDING THE RIGHT TO CONTACT THE MINOR, ~~AND, EXCEPT WITH~~ 1265
~~RESPECT TO A SPOUSE OF THE ADOPTION PETITIONER AND RELATIVES OF~~ 1266
~~THAT SPOUSE, TERMINATE~~ . ALL LEGAL RELATIONSHIPS BETWEEN THE 1267
MINOR AND YOU AND ~~THE MINOR'S OTHER~~ YOUR RELATIVES WILL 1268
TERMINATE, SO THAT THE MINOR ~~THEREAFTER~~ IS A STRANGER TO YOU AND 1269
~~THE MINOR'S FORMER~~ YOUR RELATIVES FOR ALL PURPOSES, WITH THE 1270
EXCEPTION OF DIVISION (A) (1) (b) OF SECTION 3107.15 OF THE 1271
REVISED CODE. 1272

IF YOU ~~WISH~~ OBJECT TO ~~CONTEST~~ THE ADOPTION, AND THE MINOR 1273
WAS LESS THAN ONE YEAR OF AGE AT THE TIME THE PETITION FOR 1274
ADOPTION WAS FILED, YOU MUST DO BOTH OF THE FOLLOWING: 1275

(1) FILE AN A WRITTEN OBJECTION TO ~~WITH THE~~ PETITION COURT 1276
WITHIN FOURTEEN ~~DAYS~~ AFTER PROOF FROM THE DATE OF SERVICE OF 1277
NOTICE OF THE FILING OF THE PETITION AND OF THE TIME AND PLACE 1278
OF HEARING ~~IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE ADOPTION,~~ 1279
~~YOU MUST ALSO~~ 1280

(2) APPEAR AT THE HEARING 1281

IF YOU OBJECT TO THE ADOPTION, AND THE MINOR WAS ONE YEAR 1282
OF AGE OR OLDER AT THE TIME THE PETITION FOR ADOPTION WAS FILED, 1283
YOU MUST DO BOTH OF THE FOLLOWING: 1284

(1) FILE A WRITTEN OBJECTION WITH THE COURT WITHIN TWENTY- 1285
EIGHT DAYS FROM THE DATE OF SERVICE OF NOTICE OF THE FILING OF 1286
THE PETITION AND OF THE TIME AND PLACE OF HEARING. FOR GOOD 1287
CAUSE SHOWN, THE COURT MAY EXTEND THE TIME IN WHICH A WRITTEN 1288
OBJECTION MAY BE FILED. 1289

(2) APPEAR AT THE HEARING. 1290

A FINAL DECREE OF ADOPTION MAY BE ENTERED IF YOU FAIL TO 1291
FILE ~~AN A WRITTEN OBJECTION ON TIME TO THE ADOPTION PETITION OR~~ 1292
AND APPEAR AT THE HEARING. 1293

RIGHT TO AN ATTORNEY: YOU HAVE A RIGHT TO BE REPRESENTED 1294
BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO EMPLOY AN 1295
ATTORNEY, YOU ARE ENTITLED TO HAVE AN ATTORNEY PROVIDED FOR YOU 1296
PURSUANT TO CHAPTER 120. OF THE REVISED CODE. YOU MUST CONTACT 1297
THE COURT ON RECEIPT OF THIS NOTICE IF YOU ARE REQUESTING THAT 1298
AN ATTORNEY BE APPOINTED FOR YOU. 1299

THE COURT SHALL CONSIDER A WRITTEN REQUEST FOR AN ATTORNEY 1300
OR A NOTICE OF APPEARANCE FILED BY AN ATTORNEY ON YOUR BEHALF, 1301
IN ACCORDANCE WITH THE ABOVEMENTIONED TIME FRAMES, AS GROUNDS 1302
FOR AN EXTENSION TO FILE WRITTEN OBJECTIONS." 1303

(C) All notices required under this section shall be given 1304
as specified in the Rules of Civil Procedure. Proof of the 1305
~~giving service~~ of notice shall be filed with the court before 1306
the petition is heard. 1307

Sec. 3107.12. (A) Except as provided in division ~~(B)~~ (C) 1308
of this section, an assessor shall conduct a prefinalization 1309
assessment of a minor and petitioner before a court issues a 1310

final decree of adoption or finalizes an interlocutory order of 1311
adoption for the minor. On completion of the assessment, the 1312
assessor shall prepare a written report of the assessment and 1313
provide a copy of the report to the court before which the 1314
adoption petition is pending. 1315

The report of a prefinalization assessment shall include 1316
all of the following: 1317

(1) The adjustment of the minor and the petitioner to the 1318
adoptive placement; 1319

(2) The present and anticipated needs of the minor and the 1320
petitioner, as determined by a review of the minor's medical and 1321
social history, for adoption-related services, including 1322
assistance under Title IV-E of the "Social Security Act," 94 1323
Stat. 501 (1980), 42 U.S.C.A. 670, as amended, or section 1324
5153.163 of the Revised Code and counseling, case management 1325
services, crisis services, diagnostic services, and therapeutic 1326
counseling. 1327

(3) The physical, mental, and developmental condition of 1328
the minor; 1329

(4) If known, the minor's biological family background, 1330
including identifying information about the biological or other 1331
legal parents; 1332

(5) The reasons for the minor's placement with the 1333
petitioner, the petitioner's attitude toward the proposed 1334
adoption, and the circumstances under which the minor was placed 1335
in the home of the petitioner; 1336

(6) The attitude of the minor toward the proposed 1337
adoption, if the minor's age makes this feasible; 1338

(7) If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended;

(8) If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child;

(9) If applicable, the documents or forms required under sections 3107.032, 3107.10, and 3107.101 of the Revised Code.

The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date.

The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information about the biological or other legal parents redacted.

(B) Any physical examination of the individual to be adopted as part of or in contemplation of a petition to adopt may be conducted by any health care professional authorized by the Revised Code to perform physical examinations, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the health care professional who conducted the examination.

(C) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor,

orders that an assessor conduct a prefinalization assessment. 1368

~~(C)~~ (D) The director of children and youth shall adopt 1369
rules in accordance with Chapter 119. of the Revised Code 1370
defining "counseling," "case management services," "crisis 1371
services," "diagnostic services," and "therapeutic counseling" 1372
for the purpose of this section. 1373

Sec. 3107.14. (A) The petitioner and the person sought to 1374
be adopted shall appear at the hearing on the petition, unless 1375
the presence of either is excused by the court for good cause 1376
shown. 1377

(B) The court may continue the hearing from time to time 1378
to permit further observation, investigation, or consideration 1379
of any facts or circumstances affecting the granting of the 1380
petition, and may examine the petitioners separate and apart 1381
from each other. 1382

(C) ~~If, at the conclusion of the hearing,~~ the court finds 1383
that the required consents have been obtained or ~~excused~~ are not 1384
necessary and that the adoption is in the best interest of the 1385
person sought to be adopted ~~as supported by the evidence,~~ it may 1386
issue, ~~subject to division (C) (1) of section 2151.86, section~~ 1387
~~3107.064, and division (E) of section 3107.09 of the Revised~~ 1388
~~Code, and any other limitations specified in this chapter,~~ a 1389
final decree of adoption or an interlocutory order of adoption, 1390
~~which by its own terms that~~ automatically becomes a final decree 1391
of adoption on a date specified in the order, ~~which, except .~~ 1392
Except as provided in division ~~(B)~~ (A) (2) of section ~~3107.13~~ 1393
3107.02 of the Revised Code, the final decree shall not be 1394
issued less than six months ~~or more than one year~~ from the date 1395
~~the person to be adopted is placed~~ of placement of the person to 1396
be adopted in the petitioner's home, unless sooner vacated by 1397

the court for good cause shown. ~~In determining whether the~~ 1398
~~adoption is in the best interest of the person sought to be~~ 1399
~~adopted, the court shall not consider the age of the petitioner~~ 1400
~~if the petitioner is old enough to adopt as provided by section~~ 1401
~~3107.03 of the Revised Code.~~ 1402

The issuance of a final decree of adoption or an 1403
interlocutory order for adoption is subject to division (C)(1) 1404
of section 2151.86, section 3107.064, and division (E) of 1405
section 3107.09 of the Revised Code, and any other limitations 1406
specified in this chapter. 1407

In an interlocutory order of adoption, the court shall 1408
provide for observation, investigation, and a further report on 1409
the adoptive home during the interlocutory period. 1410

(D) ~~If the~~ The court shall dismiss the petition and 1411
determine whether to certify the case to the juvenile court of 1412
the county where the minor is then residing for appropriate 1413
action and disposition if it finds any of the following: 1414

(1) The requirements for a decree under division (C) of 1415
this section have not been satisfied~~or the~~; 1416

(2) The court vacates an interlocutory order of adoption, 1417
~~or if the court finds that a~~ 1418

(3) A person sought to be adopted was placed in the home 1419
of the petitioner in violation of law,~~the court shall dismiss~~ 1420
~~the petition and may determine the agency or person to have~~ 1421
~~temporary or permanent custody of the person, which may include~~ 1422
~~the agency or person that had custody prior to the filing of the~~ 1423
~~petition or the petitioner, if the court finds it is in the best~~ 1424
~~interest of the person as supported by the evidence, or if the~~ 1425
~~person is a minor, the court may certify the case to the~~ 1426

~~juvenile court of the county where the minor is then residing~~ 1427
~~for appropriate action and disposition.~~ 1428

(E) The issuance of a final decree or interlocutory order 1429
of adoption for an adult adoption under division ~~(A) (4)~~ (B) (4) 1430
of section 3107.02 of the Revised Code shall not disqualify that 1431
adult for services under section 2151.82 or 2151.83 of the 1432
Revised Code. 1433

Sec. 3107.16. (A) Appeals from the probate court are 1434
subject to the Rules of Appellate Procedure and, to the extent 1435
not in conflict with those rules, Chapter 2505. of the Revised 1436
Code. Unless there is good cause for delay, appeals shall be 1437
heard on an expedited basis. 1438

(B) ~~Subject~~ Except as provided in division (C) of this 1439
section and subject to the disposition of an appeal, upon the 1440
expiration of six months after an adoption decree is issued, the 1441
decree cannot be ~~questioned~~ vacated by the court upon a motion 1442
by any person, including the petitioner, in any manner or upon 1443
any ground, including fraud, misrepresentation, failure to give 1444
any required notice, or lack of jurisdiction of the parties or 1445
of the subject matter, unless, in the case of the adoption of a 1446
minor, the petitioner has not taken custody of the minor, or, in 1447
the case of the adoption of a minor by a stepparent, the 1448
adoption would not have been granted but for fraud perpetrated 1449
by the petitioner or the petitioner's spouse, or, in the case of 1450
the adoption of an adult, the adult had no knowledge of the 1451
decree within the six-month period. 1452

(C) Upon a motion by any person, the court may reconsider 1453
and vacate the adoption decree concerning a child if there is 1454
clear and convincing evidence the child was a victim of 1455
trafficking in persons pursuant to section 2905.32 of the 1456

Revised Code. A conviction is not required to reconsider the 1457
adoption under this division. 1458

Sec. 3107.161. (A) As used in this section, "the least 1459
detrimental available alternative" means the alternative that 1460
would have the least long-term negative impact on the child. 1461

(B) When a court makes a determination in a contested 1462
adoption concerning the best interest of a child, the court 1463
shall consider all relevant factors including, but not limited 1464
to, all of the following: 1465

(1) The least detrimental available alternative for 1466
safeguarding the child's growth and development; 1467

(2) The age and health of the child at the time the best 1468
interest determination is made and, if applicable, at the time 1469
the child was removed from the home; 1470

(3) The wishes of the child in any case in which the 1471
child's age and maturity makes this feasible; 1472

(4) The duration of the separation of the child from a 1473
parent; 1474

(5) Whether the child will be able to enter into a more 1475
stable and permanent family relationship, taking into account 1476
the conditions of the child's current placement, the likelihood 1477
of future placements, and the results of prior placements; 1478

(6) The likelihood of safe reunification with a parent 1479
within a reasonable period of time; 1480

(7) The importance of providing permanency, stability, and 1481
continuity of relationships for the child; 1482

(8) The child's interaction and interrelationship with the 1483

child's parents, siblings, and any other person who may 1484
significantly affect the child's best interest; 1485

(9) The child's adjustment to the child's current home, 1486
school, and community; 1487

(10) The mental and physical health of all persons 1488
involved in the situation; 1489

(11) Whether any person involved in the situation has been 1490
convicted of, pleaded guilty to, or accused of any criminal 1491
offense involving any act that resulted in a child being abused 1492
or neglected; whether the person, in a case in which a child has 1493
been adjudicated to be an abused or neglected child, has been 1494
determined to be the perpetrator of the abusive or neglectful 1495
act that is the basis of the adjudication; whether the person 1496
has been convicted of, pleaded guilty to, or accused of a 1497
violation of section 2919.25 of the Revised Code involving a 1498
victim who at the time of the commission of the offense was a 1499
member of the person's family or household; and whether the 1500
person has been convicted of, pleaded guilty to, or accused of 1501
any offense involving a victim who at the time of the commission 1502
of the offense was a member of the person's family or household 1503
and caused physical harm to the victim in the commission of the 1504
offense. 1505

(C) When a court makes a determination in a contested 1506
adoption concerning the best interest of a child, the court 1507
shall not consider the age of the petitioner, if the petitioner 1508
is authorized to adopt under section 3107.03 of the Revised 1509
Code. 1510

~~A person who contests an adoption~~ (D) The petitioner has 1511
the burden of ~~providing the court material evidence needed to~~ 1512

~~determine what is in proving the best interest of the child and~~ 1513
~~must establish that the child's current placement is not the~~ 1514
~~least detrimental available alternative~~by a preponderance of the 1515
evidence. 1516

Sec. 3107.17. (A) All hearings held under sections 3107.01 1517
to 3107.19 of the Revised Code shall be held in closed court 1518
without the admittance of any person other than essential 1519
officers of the court, the parties, the witnesses of the 1520
parties, counsel, persons who have not previously consented to 1521
an adoption but who are required to consent, ~~and~~ representatives 1522
of the agencies present to perform their official duties, and 1523
any other persons the court deems appropriate. 1524

(B) (1) Except as provided in divisions (B) (2) and (D) of 1525
this section, sections 3107.38 and 3107.381, and sections 1526
3107.60 to 3107.68 of the Revised Code, no person or 1527
governmental entity shall knowingly reveal any information 1528
contained in a paper, book, or record pertaining to an adoption 1529
that is part of the permanent record of a court or maintained by 1530
the department of children and youth, an agency, or attorney 1531
without the consent of a court. 1532

(2) An agency or attorney may examine the agency's or 1533
attorney's own papers, books, and records pertaining to an 1534
adoption without a court's consent for official administrative 1535
purposes. The department of children and youth may examine its 1536
own papers, books, and records pertaining to an adoption, or 1537
such papers, books, and records of an agency, without a court's 1538
consent for official administrative, certification, and 1539
eligibility determination purposes. 1540

(C) The petition, the interlocutory order, the final 1541
decree of adoption, and other adoption proceedings shall be 1542

recorded in a book or by other electronic means and kept for 1543
such purposes and shall be separately indexed. The book or 1544
electronic record shall be a part of the records of the court, 1545
and all consents, affidavits, and other papers shall be properly 1546
filed. 1547

(D) All forms that pertain to the social or medical 1548
histories of the biological parents of an adopted person and 1549
that were completed pursuant to section 3107.09, 3107.091, or 1550
3107.393 of the Revised Code shall be filed only in the 1551
permanent record kept by the court. During the minority of the 1552
adopted person, only the adoptive parents of the person may 1553
inspect the forms. When an adopted person reaches majority, only 1554
the adopted person may inspect the forms. Under the 1555
circumstances described in this division, an adopted person or 1556
the adoptive parents are entitled to inspect the forms upon 1557
requesting the clerk of the court to produce them. 1558

(E) (1) The department of children and youth shall 1559
prescribe a form that permits any person who is authorized by 1560
division (D) of this section to inspect forms that pertain to 1561
the social or medical histories of the biological parents and 1562
that were completed pursuant to section 3107.09, 3107.091, or 1563
3107.393 of the Revised Code to request notice if any correction 1564
or expansion of either such history, made pursuant to division 1565
(D) of section 3107.09 of the Revised Code, is made a part of 1566
the permanent record kept by the court. The form shall be 1567
designed to facilitate the provision of the information and 1568
statements described in division (E) (3) of this section. The 1569
department shall provide copies of the form to each court. A 1570
court shall provide a copy of the request form to each adoptive 1571
parent when a final decree of adoption is entered and shall 1572
explain to each adoptive parent at that time that an adoptive 1573

parent who completes and files the form will be notified of any 1574
correction or expansion of either the social or medical history 1575
of the biological parents of the adopted person made during the 1576
minority of the adopted person that is made a part of the 1577
permanent record kept by the court, and that, during the adopted 1578
person's minority, the adopted person may inspect the forms that 1579
pertain to those histories. Upon request, the court also shall 1580
provide a copy of the request form to any adoptive parent during 1581
the minority of the adopted person and to an adopted person who 1582
has reached the age of majority. 1583

(2) Any person who is authorized to inspect forms pursuant 1584
to division (D) of this section who wishes to be notified of 1585
corrections or expansions pursuant to division (D) of section 1586
3107.09 of the Revised Code that are made a part of the 1587
permanent record kept by the court shall file with the court, on 1588
a copy of the form prescribed by the department of children and 1589
youth pursuant to division (E) (1) of this section, a request for 1590
such notification that contains the information and statements 1591
required by division (E) (3) of this section. A request may be 1592
filed at any time if the person who files the request is 1593
authorized at that time to inspect forms that pertain to the 1594
social or medical histories. 1595

(3) A request for notification as described in division 1596
(E) (2) of this section shall contain all of the following 1597
information: 1598

(a) The adopted person's name and mailing address at that 1599
time; 1600

(b) The name of each adoptive parent, and if the adoptive 1601
person is a minor at the time of the filing of the request, the 1602
mailing address of each adoptive parent at that time; 1603

- (c) The adopted person's date of birth; 1604
- (d) The date of entry of the final decree of adoption; 1605
- (e) A statement requesting the court to notify the person 1606
who files the request, at the address provided in the request, 1607
if any correction or expansion of either the social or medical 1608
history of the biological parents is made a part of the 1609
permanent record kept by the court; 1610
- (f) A statement that the person who files the request is 1611
authorized, at the time of the filing, to inspect the forms that 1612
pertain to the social and medical histories of the biological 1613
parents; 1614
- (g) The signature of the person who files the request. 1615
- (4) Upon the filing of a request for notification in 1616
accordance with division (E) (2) of this section, the clerk of 1617
the court in which it is filed immediately shall insert the 1618
request in the permanent record of the case. A person who has 1619
filed the request and who wishes to update it with respect to a 1620
new mailing address may inform the court in writing of the new 1621
address. Upon its receipt, the court promptly shall insert the 1622
new address into the permanent record by attaching it to the 1623
request. Thereafter, any notification described in this division 1624
shall be sent to the new address. 1625
- (5) Whenever a social or medical history of a biological 1626
parent is corrected or expanded and the correction or expansion 1627
is made a part of the permanent record kept by the court, the 1628
court shall ascertain whether a request for notification has 1629
been filed in accordance with division (E) (2) of this section. 1630
If such a request has been filed, the court shall determine 1631
whether, at that time, the person who filed the request is 1632

authorized, under division (D) of this section, to inspect the 1633
forms that pertain to the social or medical history of the 1634
biological parents. If the court determines that the person who 1635
filed the request is so authorized, it immediately shall notify 1636
the person that the social or medical history has been corrected 1637
or expanded, that it has been made a part of the permanent 1638
record kept by the court, and that the forms that pertain to the 1639
records may be inspected in accordance with division (D) of this 1640
section. 1641

Sec. 3107.18. (A) Except when giving effect to such a 1642
decree would violate the public policy of this state, a court 1643
decree terminating the relationship of parent and child, or 1644
establishing the relationship by adoption, issued pursuant to 1645
due process of law by a court of any jurisdiction outside this 1646
state, whether within or outside the United States, shall be 1647
recognized in this state, and the rights and obligations of the 1648
parties as to all matters within the jurisdiction of this state, 1649
including, without limitation, those matters specified in 1650
section 3107.15 of the Revised Code, shall be determined as 1651
though the decree were issued by a court of this state. ~~A decree~~ 1652
~~or certificate of adoption that is issued under the laws of a~~ 1653
~~foreign country and that is verified and approved by the~~ 1654
~~immigration and naturalization service of the United States~~ 1655
~~shall be recognized in this state. Nothing in this section~~ 1656
~~prohibits a court from issuing a final decree of adoption or~~ 1657
~~interlocutory order of adoption pursuant to section 3107.14 of~~ 1658
~~the Revised Code for a person the petitioner has adopted~~ 1659
~~pursuant to a decree or certificate of adoption recognized in~~ 1660
~~this state that was issued outside the United States.~~ 1661

~~(B) If a child born in a foreign country is placed with~~ 1662
~~adoptive parents or an adoptive parent in this state for the~~ 1663

~~purpose of adoption and if the adoption previously has been~~ 1664
~~finalized in the country of the child's birth, the adoptive~~ 1665
~~parent or parents may bring a petition in the probate court in~~ 1666
~~their county of residence requesting that the court issue a~~ 1667
~~final decree of adoption or an interlocutory order of adoption~~ 1668
~~pursuant to section 3107.14 of the Revised Code. In a proceeding~~ 1669
~~on the petition, proof of finalization of the adoption outside~~ 1670
~~the United States is prima facie evidence of the consent of the~~ 1671
~~parties who are required to give consent even if the foreign~~ 1672
~~decree or certificate of adoption was issued with respect to~~ 1673
~~only one of two adoptive parents who seek to adopt the child in~~ 1674
~~this state.~~ (B) (1) A final judgment of adoption granted by a 1675
judicial, administrative, or executive body of a jurisdiction or 1676
country other than the United States shall have the same force 1677
and effect in this state as that given to a judgment of adoption 1678
entered by a court of competent jurisdiction of this state, 1679
without additional proceedings or documentation, if both of the 1680
following apply: 1681

(a) Either adopting parent is a resident of this state; 1682

(b) The validity of the foreign adoption has been verified 1683
by the granting of an IR-3, IH-3, or a successor immigrant visa, 1684
for the child by the citizenship and immigration services of the 1685
United States department of homeland security or its successor 1686
agency. 1687

(2) Notwithstanding any other provision of law to the 1688
contrary, an adoptive parent shall not be required to petition a 1689
court in this state for adoption of the child, and the foreign 1690
adoption shall be considered final under the laws of this state, 1691
if the conditions of division (B) (1) of this section are met. 1692

(C) ~~At the request of a person who has adopted a person~~ 1693

~~pursuant to a decree or certificate of adoption recognized in~~ 1694
~~this state that was issued outside the United States, Either~~ 1695
~~adoptive parent, a guardian, or a guardian ad litem may petition~~ 1696
the court of the county in which the person making the request 1697
resides to register a foreign adoption in this state. The court 1698
may specify a change of name for the child and, if a physician 1699
has recommended a revision of the birth certificate, a revised 1700
birth date. If the petition is granted, the court shall order 1701
the department of health to issue a foreign birth record for the 1702
adopted person under section 3705.122 of the Revised Code. ~~The~~ 1703
~~court may specify a change of name for the child and, if a~~ 1704
~~physician has recommended a revision of the birth date, a~~ 1705
~~revised birth date.~~ The court shall send to the department with 1706
its order a copy of the foreign adoption decree or certificate 1707
of adoption and, if the foreign decree or certificate of 1708
adoption is not in English, a translation certified as to its 1709
accuracy by the translator and provided by the person who 1710
requested the order. 1711

Sec. 3107.19. If the adopted person was born in this state 1712
or outside the United States, the court shall forward all of the 1713
following to the department of health within thirty days after 1714
an adoption decree becomes final: 1715

(A) A copy of the adopted person's certificate of 1716
adoption; 1717

(B) The form prescribed under division (A) (1) of section 1718
3107.083 of the Revised Code, if a parent filled out and signed 1719
the form pursuant to section ~~3107.071,~~ 3107.081, or 5103.151 of 1720
the Revised Code; 1721

(C) A statement of whether the adopted person is an 1722
adopted person as defined in section 3107.38 or 3107.45 of the 1723

Revised Code. 1724

If the adopted person was born in another state of the 1725
United States, the court shall forward a copy of the adopted 1726
person's certificate of adoption to that state's vital 1727
statistics office within thirty days after an adoption decree 1728
becomes final. 1729

Sec. 3107.20. Upon issuance of a final decree of adoption, 1730
the court shall notify the child support enforcement agency 1731
administering a child support order pertaining to the adopted 1732
child. On receipt of that notice, the child support enforcement 1733
agency shall, pursuant to section 3119.89 of the Revised Code, 1734
terminate any order of support that exists for the child. 1735

Sec. 3107.46. (A) A birth parent who did not check, 1736
pursuant to section ~~3107.071~~, 3107.081, or 5103.151 of the 1737
Revised Code, the "no" space provided on the component of the 1738
form prescribed pursuant to division (A) (1) (b) of section 1739
3107.083 of the Revised Code may sign, date, and have filed with 1740
the department of health a denial of release form prescribed 1741
under section 3107.50 of the Revised Code. A birth parent who 1742
signs an authorization of release form under division (B) of 1743
this section may rescind that form by signing, dating, and 1744
having filed with the department of health a denial of release 1745
form prescribed under section 3107.50 of the Revised Code. If, 1746
at the time of submitting the denial of release form, the birth 1747
parent provides the department two items of identification, the 1748
department shall file the form in the adoption file of the 1749
adopted person indicated on the form. 1750

(B) If an adoption file contains a birth parent's denial 1751
of release form, the birth parent may rescind that form by 1752
signing, dating, and having filed with the department of health 1753

an authorization of release form. If, at the time of submitting 1754
the authorization of release form, the birth parent provides the 1755
department two items of identification, the department shall 1756
file the form in the adoption file of the adopted person 1757
indicated on the form. 1758

(C) After a birth parent submits a denial of release form 1759
or an authorization of release form under this section, the 1760
department of health shall provide the birth parent a copy of 1761
the form. 1762

(D) A birth parent may rescind an authorization of release 1763
form pursuant to division (A) of this section and rescind a 1764
denial of release form pursuant to division (B) of this section 1765
as many times as the birth parent wishes. 1766

Sec. 5103.15. (A) (1) The parents, guardian, or other 1767
persons having the custody of a child may enter into an 1768
agreement with any public children services agency or private 1769
child placing agency, whereby the child is placed without the 1770
approval of the juvenile court in the temporary custody of the 1771
agency for a period of time of up to thirty days, except that an 1772
agreement for temporary custody can be for a period of time of 1773
up to sixty days without court approval if the agreement is 1774
executed solely for the purpose of obtaining the adoption of a 1775
child who is less than six months of age on the date of the 1776
execution of the agreement. 1777

(2) Except as provided in division (A) (3) of this section 1778
for agreements entered into to obtain the adoption of a child 1779
under the age of six months, any public children services agency 1780
or private child placing agency that obtains, without court 1781
approval, temporary custody of a child pursuant to an agreement 1782
executed in accordance with this division may request the 1783

juvenile court of the county in which the child has a residence 1784
or legal settlement for an original thirty-day extension of the 1785
temporary custody agreement. Upon the filing of a request for 1786
the extension of the temporary custody agreement, the juvenile 1787
court shall determine whether the extension is in the best 1788
interest of the child and may extend the temporary custody 1789
agreement for a period of thirty days beyond the initial thirty- 1790
day period for which court approval is not required by this 1791
division. The agency requesting the original extension shall 1792
file a case plan, prepared pursuant to section 2151.412 of the 1793
Revised Code, with the court at the same time that it files its 1794
request for an extension. 1795

At the expiration of the original thirty-day extension 1796
period, the agency may request the juvenile court to grant an 1797
additional thirty-day extension of the temporary custody 1798
agreement. Upon the filing of the request for the additional 1799
extension, the juvenile court may extend the temporary custody 1800
agreement for a period of thirty days beyond the original 1801
thirty-day extension period if it determines that the additional 1802
extension is in the best interest of the child. The agency shall 1803
file an updated version of the child's case plan at the same 1804
time that it files its request for an additional extension. 1805

At the expiration of an additional thirty-day extension 1806
period and at the expiration of the original thirty-day 1807
extension period if the agency does not request an additional 1808
thirty-day extension, the agency shall either return the child 1809
to the child's parents, guardian, or other person having custody 1810
of the child or file a complaint with the court pursuant to 1811
section 2151.27 of the Revised Code requesting temporary or 1812
permanent custody of the child. The complaint shall be 1813
accompanied by a case plan prepared in accordance with section 1814

2151.412 of the Revised Code. 1815

(3) Any public children services agency or private child 1816
placing agency that obtains, without court approval and solely 1817
for the purpose of obtaining the adoption of the child, 1818
temporary custody of a child who is under the age of six months 1819
pursuant to an agreement executed in accordance with this 1820
division may request the juvenile court in the county in which 1821
the child has a residence or legal settlement to grant a thirty 1822
day extension of the temporary custody agreement. Upon the 1823
filing of the request, the court shall determine whether the 1824
extension is in the best interest of the child and may extend 1825
the temporary custody agreement for a period of thirty days 1826
beyond the sixty day period for which the court approval is not 1827
required by this division. The agency requesting the extension 1828
shall file a case plan, prepared pursuant to section 2151.412 of 1829
the Revised Code, with the court at the same time that it files 1830
its request for an extension. 1831

At the expiration of the thirty day extension, the agency 1832
shall either return the child to the parents, guardian, or other 1833
person having custody of the child or file a complaint with the 1834
court pursuant to section 2151.27 of the Revised Code requesting 1835
temporary or permanent custody of the child. The complaint shall 1836
be accompanied by a case plan prepared in accordance with 1837
section 2151.412 of the Revised Code. 1838

(B) (1) Subject to, ~~except as provided in division (B) (2)~~ 1839
~~of this section,~~ juvenile court approval, the ~~parents, guardian,~~ 1840
~~or other persons having custody of a child following~~ may enter 1841
into an agreement with a public children services agency or 1842
private child placing agency surrendering the child into the 1843
permanent custody of ~~the~~ that agency. ~~;~~ 1844

(a) The parents, guardian, or other persons having custody 1845
of the child; 1846

(b) The parents of a child who is in the temporary custody 1847
of a public children services agency or private child placing 1848
agency. 1849

(2) An agency that enters into ~~such~~ an agreement under 1850
division (B) (1) of this section may take and care for the child 1851
or place the child in a family home. 1852

(3) A private child placing agency or public children 1853
services agency that seeks permanent custody of a child pursuant 1854
to division (B) (1) of this section shall file a request with the 1855
juvenile court of the county in which the child has a residence 1856
or legal settlement for approval of the agency's permanent 1857
surrender agreement with the parents, guardian, or other persons 1858
having custody of the child. Not later than fourteen business 1859
days after the request is filed, the juvenile court shall 1860
determine whether the permanent surrender agreement is in the 1861
best interest of the child. The court may approve the permanent 1862
surrender agreement if it determines that the agreement is in 1863
the best interest of the child and, in the case of an agreement 1864
between a parent and an agency, the requirements of section 1865
5103.151 of the Revised Code are met. The agency requesting the 1866
approval of the permanent surrender agreement shall file ~~a~~ with 1867
the court an original or amended case plan, prepared pursuant to 1868
section 2151.412 of the Revised Code, ~~with the court~~ at the same 1869
time that it files its request for the approval of the permanent 1870
surrender agreement. 1871

~~(2) The~~ (4) Notwithstanding division (B) (1) of this 1872
section, the parents of a child less than six months of age may 1873
enter into an agreement with a private child placing agency 1874

surrendering the child into the permanent custody of the agency 1875
without juvenile court approval if the agreement is executed 1876
solely for the purpose of obtaining the adoption of the child. 1877
The agency shall, not later than two business days after 1878
entering into the agreement, notify the juvenile court. The 1879
agency also shall notify the court not later than two business 1880
days after the agency places the child for adoption. The court 1881
shall journalize the notices it receives under division ~~(B)(2)~~ 1882
(B)(4) of this section. 1883

(C) The agreements provided for in this section shall be 1884
in writing, on forms prescribed and furnished by the department, 1885
and may contain any proper and legal stipulations for proper 1886
care of the child, and may authorize the public children 1887
services agency or private child placing agency when such 1888
agreements are for permanent care and custody to appear in any 1889
proceeding for the legal adoption of the child, and consent to 1890
the child's adoption, as provided in section 3107.06 of the 1891
Revised Code. If an agreement for permanent care and custody of 1892
a child is executed, social and medical histories shall be 1893
completed in relation to the child in accordance with section 1894
3107.09 of the Revised Code. The adoption order of the probate 1895
court judge made upon the consent shall be binding upon the 1896
child and the child's parents, guardian, or other person, as if 1897
those persons were personally in court and consented to the 1898
order, whether made party to the proceeding or not. 1899

(D) An agreement entered into under this section by a 1900
parent under age eighteen is as valid as an agreement entered 1901
into by a parent age eighteen or older. 1902

Sec. 5103.153. (A) (1) A juvenile court shall conduct a 1903
review hearing of an agreement the court approves under division 1904

(B) (1) of section 5103.15 of the Revised Code once every seven 1905
months after the agreement is entered into if a final decree or 1906
interlocutory order of adoption for the child who is the subject 1907
of the agreement has not been issued or become final and the 1908
agreement is still in effect. 1909

(2) A juvenile court shall conduct a review hearing of an 1910
agreement entered into under division ~~(B) (2)~~ (B) (4) of section 1911
5103.15 of the Revised Code once every six months after the 1912
court is notified of the agreement if the agreement is still in 1913
effect and the court has not been notified that the child who is 1914
the subject of the agreement has been placed for adoption. The 1915
private child placing agency that entered into the agreement 1916
shall file a case plan, prepared pursuant to section 2151.412 of 1917
the Revised Code, with the court at the review hearing. 1918

(B) A juvenile court shall give notice of a review hearing 1919
under division (A) of this section to each interested party. At 1920
the hearing, the court shall review the child's placement and 1921
custody arrangement. Based on the evidence presented at the 1922
hearing, the court may order that reasonable action be taken 1923
that the court determines is necessary and in the child's best 1924
interest or that an action that the court determines is not in 1925
the child's best interest be discontinued. 1926

Sec. 5103.16. (A) Except as otherwise provided in this 1927
section, no child shall be placed or accepted for placement 1928
under any written or oral agreement or understanding that 1929
transfers or surrenders the legal rights, powers, or duties of 1930
the legal parent, parents, or guardian of the child into the 1931
temporary or permanent custody of any association or institution 1932
that is not certified by the department of children and youth 1933
under section 5103.03 of the Revised Code, without the written 1934

consent of the office in the department that oversees the 1935
interstate compact for placement of children established under 1936
section 5103.20 of the Revised Code or the interstate compact on 1937
the placement of children established under section 5103.23 of 1938
the Revised Code, as applicable, or by a commitment of a 1939
juvenile court, or by a commitment of a probate court as 1940
provided in this section. A child may be placed temporarily 1941
without written consent or court commitment with persons related 1942
by blood or marriage or in a legally licensed boarding home. 1943

(B) (1) Associations and institutions certified under 1944
section 5103.03 of the Revised Code for the purpose of placing 1945
children in free foster homes or for legal adoption shall keep a 1946
record of the temporary and permanent surrenders of children. 1947
This record shall be available for separate statistics, which 1948
shall include a copy of an official birth record and all 1949
information concerning the social, mental, and medical history 1950
of the children that will aid in an intelligent disposition of 1951
the children in case that becomes necessary because the parents 1952
or guardians fail or are unable to reassume custody. 1953

(2) No child placed on a temporary surrender with an 1954
association or institution shall be placed permanently in a 1955
foster home or for legal adoption. All surrendered children who 1956
are placed permanently in foster homes or for adoption shall 1957
have been permanently surrendered, and a copy of the permanent 1958
surrender shall be a part of the separate record kept by the 1959
association or institution. 1960

(C) Any agreement or understanding to transfer or 1961
surrender the legal rights, powers, or duties of the legal 1962
parent or parents and place a child with a person seeking to 1963
adopt the child under this section shall be construed to contain 1964

a promise by the person seeking to adopt the child to pay the 1965
expenses listed in divisions (C) (1), (2), and (4) of section 1966
3107.055 of the Revised Code and, if the person seeking to adopt 1967
the child refuses to accept placement of the child, to pay the 1968
temporary costs of routine maintenance and medical care for the 1969
child in a hospital, foster home, or other appropriate place for 1970
up to thirty days or until other custody is established for the 1971
child, as provided by law, whichever is less. 1972

(D) No child shall be placed or received for adoption or 1973
with intent to adopt unless placement is made by a public 1974
children services agency, an institution or association that is 1975
certified by the department of children and youth under section 1976
5103.03 of the Revised Code to place children for adoption, or 1977
custodians in another state or foreign country, or unless all of 1978
the following criteria are met: 1979

(1) Prior to the placement and receiving of the child, the 1980
parent or parents of the child personally have applied to, and 1981
appeared before, the probate court of the county in which the 1982
parent or parents reside, or in which the person seeking to 1983
adopt the child resides, for approval of the proposed placement 1984
specified in the application and have signed and filed with the 1985
court a written statement showing that the parent or parents are 1986
aware of their right to contest the decree of adoption subject 1987
to the limitations of section 3107.16 of the Revised Code; 1988

(2) The court ordered an independent home study of the 1989
proposed placement to be conducted as provided in section 1990
3107.031 of the Revised Code, and after completion of the home 1991
study, the court determined that the proposed placement is in 1992
the best interest of the child; 1993

(3) The court has approved of record the proposed 1994

placement. 1995

In determining whether a custodian has authority to place 1996
children for adoption under the laws of a foreign country, the 1997
probate court shall determine whether the child has been 1998
released for adoption pursuant to the laws of the country in 1999
which the child resides, and if the release is in a form that 2000
satisfies the requirements of the immigration and naturalization 2001
service of the United States department of justice for purposes 2002
of immigration to this country pursuant to section 101(b) (1) (F) 2003
of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 2004
U.S.C. 1101 (b) (1) (F), as amended or reenacted. 2005

If the parent or parents of the child are deceased or have 2006
abandoned the child, as determined under division (A) of section 2007
3107.07 of the Revised Code, the application for approval of the 2008
proposed adoptive placement may be brought by the relative 2009
seeking to adopt the child, or by the department, board, or 2010
organization not otherwise having legal authority to place the 2011
orphaned or abandoned child for adoption, but having legal 2012
custody of the orphaned or abandoned child, in the probate court 2013
of the county in which the child is a resident, or in which the 2014
department, board, or organization is located, or where the 2015
person or persons with whom the child is to be placed reside. 2016
Unless the parent, parents, or guardian of the person of the 2017
child personally have appeared before the court and applied for 2018
approval of the placement, notice of the hearing on the 2019
application shall be served on the parent, parents, or guardian. 2020

The consent to placement, surrender, or adoption executed 2021
by a minor parent before a judge of the probate court or an 2022
authorized deputy or referee of the court, whether executed 2023
within or outside the confines of the court, is as valid as 2024

though executed by an adult. A consent given as above before an 2025
employee of a children services agency that is licensed as 2026
provided by law, is equally effective, if the consent also is 2027
accompanied by an affidavit executed by the witnessing employee 2028
or employees to the effect that the legal rights of the parents 2029
have been fully explained to the parents, prior to the execution 2030
of any consent, and that the action was done after the birth of 2031
the child. 2032

If the court approves a placement, the prospective 2033
adoptive parent with whom the child is placed has care, custody, 2034
and control of the child pending further order of the court. 2035

(E) (1) This section does not apply to an adoption by a 2036
stepparent, a grandparent, ~~a grandparent's husband or wife~~ an 2037
adult sibling, a legal custodian, or a guardian. 2038

(2) As used in ~~division (E) (1) of this section:~~ 2039

(a) "Legal custodian" means a person who has been granted 2040
the legal custody of a child by a court of competent 2041
jurisdiction. 2042

(b) "Legal custody" has the same meaning as in section 2043
2151.011 of the Revised Code or in any other substantially 2044
equivalent statute. 2045

Section 2. That existing sections 2101.24, 2151.412, 2046
2937.02, 3107.01, 3107.011, 3107.02, 3107.03, 3107.04, 3107.05, 2047
3107.051, 3107.055, 3107.06, 3107.07, 3107.08, 3107.082, 2048
3107.083, 3107.084, 3107.11, 3107.12, 3107.14, 3107.16, 2049
3107.161, 3107.17, 3107.18, 3107.19, 3107.46, 5103.15, 5103.153, 2050
and 5103.16 of the Revised Code are hereby repealed. 2051

Section 3. That sections 3107.071 and 3107.13 of the 2052
Revised Code are hereby repealed. 2053

Section 4. Section 3107.07 of the Revised Code is 2054
presented in this act as a composite of the section as amended 2055
by both S.B. 207 and S.B. 250 of the 130th General Assembly. The 2056
General Assembly, applying the principle stated in division (B) 2057
of section 1.52 of the Revised Code that amendments are to be 2058
harmonized if reasonably capable of simultaneous operation, 2059
finds that the composite is the resulting version of the section 2060
in effect prior to the effective date of the section as 2061
presented in this act. 2062