

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 713**

**Representatives Somani, Hoops  
Cosponsors: Representatives Sigrist, Brennan, Lett**

---

To amend sections 3107.011, 3107.99, 5103.03, 1  
5103.17, and 5103.99 and to enact section 2  
2307.68 of the Revised Code regarding adoption 3  
advertising and facilitation. 4

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

**Section 1.** That sections 3107.011, 3107.99, 5103.03, 5  
5103.17, and 5103.99 be amended and section 2307.68 of the 6  
Revised Code be enacted to read as follows: 7

**Sec. 2307.68.** (A) A person or entity that brings a civil 8  
action pursuant to division (A) of section 2307.60 of the 9  
Revised Code to recover damages from any person or entity that 10  
caused injury to person or property by violating division (B) or 11  
(C) of section 3107.011 or section 5103.17 of the Revised Code 12  
may recover damages of not less than five thousand dollars for 13  
each violation, punitive damages, and reasonable attorney's 14  
fees. 15

(B) As used in this section, "entity" has the same meaning 16  
as in section 1745.05 of the Revised Code. 17

**Sec. 3107.011.** (A) Except for an adoption by a stepparent, 18  
a grandparent, adult sibling, a legal custodian, or a guardian, 19

a person seeking to adopt a minor shall utilize an agency or attorney to arrange the adoption. Only an agency or attorney may arrange an adoption. An attorney may not represent with regard to the adoption both the person seeking to adopt and the parent placing a child for adoption. As used in this chapter, "grandparent," "adult sibling," "legal custodian," and "guardian" include that individual's spouse when a joint adoption is pending.

(B) No person or entity other than an agency or attorney shall provide or offer to provide any direct or indirect service to aid or promote an adoption for direct or indirect compensation.

(C) No agency or attorney shall refer clients to either of the following:

(1) An out-of-state person or entity that offers services prohibited under this section or section 5103.17 of the Revised Code;

(2) A person or entity in this state that is not certified under section 5103.03 of the Revised Code or offers services prohibited under this section or section 5103.17 of the Revised Code.

~~Any~~ (D) Nothing in this section shall be construed as limiting any person ~~may~~ from informally ~~aid~~ aiding or ~~promote~~ promoting an adoption, without receiving or requesting direct or indirect compensation, by making a person seeking to adopt a minor aware of a minor who will be or is available for adoption.

~~(B)~~ (E) A person seeking to adopt a minor who knowingly makes a false statement that is included in an application submitted to an agency or attorney to obtain services of that

agency or attorney in arranging an adoption is guilty of the 49  
offense of falsification under section 2921.13 of the Revised 50  
Code. 51

(F) As used in this section, "entity" has the same meaning 52  
as in section 1745.05 of the Revised Code. 53

**Sec. 3107.99.** (A) Whoever violates division (B) (1) of 54  
section 3107.17 of the Revised Code is guilty of a misdemeanor 55  
of the third degree. 56

(B) (1) Whoever knowingly violates division (B) of section 57  
3107.011 of the Revised Code is guilty of a felony of the fifth 58  
degree. The court shall sentence the offender under Chapter 59  
2929. of the Revised Code, except that, notwithstanding the 60  
conventional fines specified for felonies in section 2929.18 of 61  
the Revised Code, the court shall impose a fine of not less than 62  
fifteen thousand and not more than thirty thousand dollars. 63

(2) Whoever knowingly violates division (C) of section 64  
3107.011 of the Revised Code is guilty of a misdemeanor of the 65  
first degree. 66

**Sec. 5103.03.** (A) The director of children and youth shall 67  
adopt rules as necessary for the adequate and competent 68  
management and certification of institutions or associations. 69  
The director shall ensure that foster care home study rules 70  
adopted under this section align any home study content, time 71  
period, and process with any home study content, time period, 72  
and process required by rules adopted under section 3107.033 of 73  
the Revised Code. 74

(B) (1) Except for facilities under the control of the 75  
department of youth services, places of detention for children 76  
established and maintained pursuant to sections 2152.41 to 77

2152.44 of the Revised Code, and child care centers subject to 78  
Chapter 5104. of the Revised Code, the department of children 79  
and youth shall pass upon the fitness of every institution and 80  
association that receives, or desires to receive and care for 81  
children, or places children in private homes, at a frequency 82  
established by rules adopted under division (A) of this section. 83

(2) When the department of children and youth is satisfied 84  
as to the care given such children, and that the requirements of 85  
the statutes and rules covering the management of such 86  
institutions and associations are being complied with, it shall 87  
issue to the institution or association a certificate to that 88  
effect. A certificate is valid for a length of time determined 89  
by rules adopted under division (A) of this section. When 90  
determining whether an institution or association meets a 91  
particular requirement for certification, the department may 92  
consider the institution or association to have met the 93  
requirement if the institution or association shows to the 94  
department's satisfaction that it has met a comparable 95  
requirement to be accredited by a nationally recognized 96  
accreditation organization. 97

(3) The department may issue a temporary certificate valid 98  
for less than one year authorizing an institution or association 99  
to operate until minimum requirements have been met. 100

(4) An institution or association that knowingly makes a 101  
false statement that is included as a part of certification 102  
under this section is guilty of the offense of falsification 103  
under section 2921.13 of the Revised Code and the department 104  
shall not certify that institution or association. 105

(5) The department shall not issue a certificate to a 106  
prospective foster home or prospective specialized foster home 107

pursuant to this section if the prospective foster home or 108  
prospective specialized foster home operates as a type A family 109  
child care home pursuant to Chapter 5104. of the Revised Code. 110  
The department shall not issue a certificate to a prospective 111  
specialized foster home if the prospective specialized foster 112  
home operates a type B family child care home pursuant to 113  
Chapter 5104. of the Revised Code. 114

(C) The department may revoke a certificate pursuant to an 115  
adjudication under Chapter 119. of the Revised Code if it finds 116  
that the institution or association is in violation of law or 117  
rule. No juvenile court shall commit a child to an association 118  
or institution that is required to be certified under this 119  
section if its certificate has been revoked or, if after 120  
revocation, the date of reissue is less than fifteen months 121  
prior to the proposed commitment. 122

(D) On a frequency specified by the department by rules 123  
adopted under division (A) of this section, each institution or 124  
association desiring certification shall submit to the 125  
department a report showing its condition, management, 126  
competency to care adequately for the children who have been or 127  
may be committed to it or to whom it provides care or services, 128  
the system of visitation it employs for children placed in 129  
private homes, and other information the department requires. 130

(E) The department shall, not less than once each year, 131  
send a list of certified institutions and associations to each 132  
juvenile court and certified association or institution. 133

(F) No person shall receive children or receive or solicit 134  
money on behalf of such an institution or association not so 135  
certified or whose certificate has been revoked. 136

(G) (1) The director may delegate by rule any duties 137  
imposed on it by this section to inspect and approve family 138  
foster homes and specialized foster homes to public children 139  
services agencies, private child placing agencies, or private 140  
noncustodial agencies. 141

(2) The director shall adopt rules that require a foster 142  
caregiver or other individual certified to operate a foster home 143  
under this section to notify the recommending agency that the 144  
foster caregiver or other individual is licensed to operate a 145  
type B family child care home under Chapter 5104. of the Revised 146  
Code. 147

(H) If the director of children and youth determines that 148  
an institution or association that cares for children is 149  
operating without a certificate, the director may petition the 150  
court of common pleas in the county in which the institution or 151  
association is located for an order enjoining its operation. The 152  
court shall grant injunctive relief upon a showing that the 153  
institution or association is operating without a certificate. 154

(I) If both of the following are the case, the director of 155  
children and youth may petition the court of common pleas of any 156  
county in which an institution or association that holds a 157  
certificate under this section operates for an order, and the 158  
court may issue an order, preventing the institution or 159  
association from receiving additional children into its care or 160  
an order removing children from its care: 161

(1) The department has evidence that the life, health, or 162  
safety of one or more children in the care of the institution or 163  
association is at imminent risk. 164

(2) The department has issued a proposed adjudication 165

order pursuant to Chapter 119. of the Revised Code to revoke the certificate of the institution or association. 166  
167

(J) The department shall not certify a private child placing agency or private noncustodial agency under this section unless the agency operates as a nonprofit. 168  
169  
170

**Sec. 5103.17.** (A) As used in this section: 171

(1) "Advertise" means a method of promotion or communication that is electronic, written, visual, or oral and made by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, internet, print, or otherwise any other medium for the provision of any service to aid or promote an adoption for direct or indirect compensation by a person or entity other than a private child placing agency or private noncustodial agency certified by the department of children and youth under section 5103.03 of the Revised Code or a public children services agency. 172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182

(2) "Interested party" means any person or entity directly affected by a violation of this section, including prospective adoptive parents and birth parents. 183  
184  
185

(3) "Qualified adoptive parent" means a person who is eligible to adopt a child under section 3107.03 of the Revised Code and for whom an assessor has conducted a home study to determine whether the person is suitable to adopt a child, if required by section 3107.031 of the Revised Code. 186  
187  
188  
189  
190

(B) Subject to section 5103.16 of the Revised Code and to division (C), ~~(D), or (E)~~ of this section, no person or government entity, other than a private child placing agency or private noncustodial agency certified by the department of 191  
192  
193  
194

children and youth under section 5103.03 of the Revised Code or 195  
a public children services agency, shall advertise that the 196  
person or government entity will adopt children or place them in 197  
foster homes, hold out inducements to parents to part with their 198  
offspring or in any manner knowingly become a party to the 199  
separation of a child from the child's parents or guardians, 200  
except through a juvenile court or probate court commitment. 201

~~(C) The biological parent of a child may advertise the 202  
availability for placement of the parent's child for adoption to 203  
a qualified adoptive parent. 204~~

~~(D) A qualified adoptive parent may advertise that the 205  
qualified adoptive parent is available for placement of a child 206  
into the qualified adoptive parent's care for the purpose of 207  
adopting the child. 208~~

~~(E)~~ A government entity may advertise about its role in 209  
the placement of children for adoption or any other information 210  
that would be relevant to qualified adoptive parents. 211

~~(F)~~ (D) Except as provided in section 3107.055 of the 212  
Revised Code, the following apply: 213

(1) No person shall offer money or anything of value in 214  
exchange for placement of a child for adoption. 215

(2) No biological parent may request money or anything of 216  
value in exchange for placement for adoption of the parent's 217  
child with a qualified adoptive parent. 218

~~(G)~~ (E) (1) Any person, including an interested party, who 219  
has reasonable cause to believe a violation of this section has 220  
been committed may bring a civil action for injunctive relief. 221

(2) If the department of children and youth has reasonable 222

cause to believe a violation of this section has been committed, 223  
the department shall notify the attorney general or the county 224  
prosecutor, city attorney, village solicitor, or other chief 225  
legal officer of the political subdivision in which the 226  
violation has allegedly occurred. On receipt of the 227  
notification, the attorney general, county prosecutor, city 228  
attorney, village solicitor, or other chief legal officer shall 229  
take action to enforce this section through injunctive relief, 230  
restitution, or other equitable relief or criminal charge. 231

**Sec. 5103.99.** (A) Whoever violates section 5103.03 of the 232  
Revised Code shall be fined not less than five hundred nor more 233  
than one thousand dollars. 234

(B) Whoever violates section 5103.15, or 5103.16, ~~or~~ 235  
~~5103.17~~ of the Revised Code shall be fined not less than five 236  
hundred nor more than one thousand dollars or imprisoned not 237  
more than six months, or both. 238

(C) Whoever negligently violates section 5103.17 of the 239  
Revised Code is guilty of a felony of the fifth degree. The 240  
court shall sentence the offender under Chapter 2929. of the 241  
Revised Code, except that, notwithstanding the conventional 242  
finer specified for felonies in section 2929.18 of the Revised 243  
Code, the court shall impose a fine of not less than five 244  
thousand and not more than fifteen thousand dollars. 245

**Section 2.** That existing sections 3107.011, 3107.99, 246  
5103.03, 5103.17, and 5103.99 of the Revised Code are hereby 247  
repealed. 248