

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 865

Representatives Mathews, T., White, A.

To amend section 5103.17 and to enact sections 1
3107.018, 3107.019, 5103.171, and 5180.23 of the 2
Revised Code regarding availability of 3
information on and advertisement of adoptable 4
children. 5

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

Section 1. That section 5103.17 be amended and sections 6
3107.018, 3107.019, 5103.171, and 5180.23 of the Revised Code be 7
enacted to read as follows: 8

Sec. 3107.018. A public children services agency that 9
receives a request for adoption information or an application 10
for adoption shall respond to the requestor within three 11
business days. 12

Sec. 3107.019. (A) Each public children services agency's 13
web site shall contain the following: 14

(1) Links to the following: 15

(a) The most recent Ohio adoption guide published by the 16
department of children and youth; 17

(b) The department of children and youth's "It Takes 18
Heart" web site or its successor web site; 19

(c) The national adoption association's "AdoptUSKids" web site or its successor web site. 20
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(2) Contact information for the relevant agency staff who oversee adoption; 22
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(3) The general description of adoption processes and procedures, as prepared by the department of children and youth in accordance with division (B) of this section. 24
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(B) The department of children and youth shall prepare a general description of adoption processes and procedures for use by each public children services agency in accordance with division (A) (3) of this section. 27
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Sec. 5103.17. (A) As used in this section: 31

(1) "Advertise" means a method of communication that is 32
electronic, written, visual, or oral and made by means of 33
personal representation, newspaper, magazine, circular, 34
billboard, direct mailing, sign, radio, television, telephone, 35
or otherwise. 36

(2) "Qualified adoptive parent" means a person who is 37
eligible to adopt a child under section 3107.03 of the Revised 38
Code and for whom an assessor has conducted a home study to 39
determine whether the person is suitable to adopt a child, if 40
required by section 3107.031 of the Revised Code. 41

(B) Subject to ~~section~~sections 5103.16 and 5103.171 of 42
the Revised Code and to division (C), (D), or (E) of this 43
section, no person or government entity, other than a private 44
child placing agency or private noncustodial agency certified by 45
the department of children and youth under section 5103.03 of 46
the Revised Code or a public children services agency, shall 47
advertise that the person or government entity will adopt 48

children or place them in foster homes, hold out inducements to 49
parents to part with their offspring or in any manner knowingly 50
become a party to the separation of a child from the child's 51
parents or guardians, except through a juvenile court or probate 52
court commitment. 53

(C) The biological parent of a child may advertise the 54
availability for placement of the parent's child for adoption to 55
a qualified adoptive parent. 56

(D) A qualified adoptive parent may advertise that the 57
qualified adoptive parent is available for placement of a child 58
into the qualified adoptive parent's care for the purpose of 59
adopting the child. 60

(E) A government entity may advertise about its role in 61
the placement of children for adoption or any other information 62
that would be relevant to qualified adoptive parents. 63

(F) Except as provided in section 3107.055 of the Revised 64
Code, the following apply: 65

(1) No person shall offer money or anything of value in 66
exchange for placement of a child for adoption. 67

(2) No biological parent may request money or anything of 68
value in exchange for placement for adoption of the parent's 69
child with a qualified adoptive parent. 70

(G) If the department of children and youth has reasonable 71
cause to believe a violation of this section has been committed, 72
the department shall notify the attorney general or the county 73
prosecutor, city attorney, village solicitor, or other chief 74
legal officer of the political subdivision in which the 75
violation has allegedly occurred. On receipt of the 76
notification, the attorney general, county prosecutor, city 77

attorney, village solicitor, or other chief legal officer shall 78
take action to enforce this section through injunctive relief or 79
criminal charge. 80

Sec. 5103.171. (A) (1) The department of children and youth 81
shall establish and maintain on its "It Takes Heart" adoption 82
initiative web site or its successor web site a centralized 83
database that publishes the profiles of children who are 84
available for placement with qualified adoptive parents, as 85
prepared by public children services agencies, private child 86
placing agencies, private noncustodial agencies, and attorneys, 87
in accordance with division (B) of this section. The database 88
shall not be publicly accessible except by qualified adoptive 89
parents with a password-protected account. 90

The department shall not permit a qualified adoptive 91
parent to create an account until the qualified adoptive parent 92
has completed all required training and has an approved and 93
unexpired home study. The account shall be suspended upon the 94
expiration of the home study or training and shall not be 95
reinstated until the qualified adoptive parent provides a valid 96
and unexpired home study or completes training, as applicable. 97

(2) The department of children and youth shall maintain 98
verification of a qualified adoptive parent's training and 99
approved home study. Upon the request of the qualified adoptive 100
parent's recommending agency or attorney, the department shall 101
share the qualified adoptive parent's training and approved home 102
study with the recommending agency or attorney. 103

(3) The department shall remove a child's profile on the 104
request of the child. The department shall periodically review 105
the database to remove profiles of children who either: 106

<u>(a) Are eighteen years of age or older;</u>	107
<u>(b) Have been adopted or are in a permanent placement.</u>	108
<u>(4) Profiles of children who are available for placement</u>	109
<u>with qualified adoptive parents shall be published only through</u>	110
<u>the department's "It Takes Heart" adoption initiative web site</u>	111
<u>or its successor web site. Only the department may publish</u>	112
<u>profiles of children who are available for placement with</u>	113
<u>qualified adoptive parents.</u>	114
<u>(B) (1) Each public children services agency, private child</u>	115
<u>placing agency, and private noncustodial agency shall, and an</u>	116
<u>attorney may, create a profile for each child who is available</u>	117
<u>for placement with qualified adoptive parents and consents to</u>	118
<u>have a profile created for whom the agency or attorney provides</u>	119
<u>services. No agency or attorney shall be required to create a</u>	120
<u>profile of a child who does not consent to have a profile</u>	121
<u>created. In creating a profile, the agency shall be subject to</u>	122
<u>the following requirements:</u>	123
<u>(a) Any picture or video of a child shall be a headshot</u>	124
<u>only and shall not include any personally identifiable</u>	125
<u>information, including school or activity logos.</u>	126
<u>(b) A profile of a child shall not include either of the</u>	127
<u>following:</u>	128
<u>(i) Any personally identifiable information;</u>	129
<u>(ii) A child's medical information or information</u>	130
<u>regarding the child's mental, physical, or social impairment or</u>	131
<u>disability, including information on behavioral issues or</u>	132
<u>substance use.</u>	133
<u>(c) A child shall have the opportunity to provide input on</u>	134

what the child's profile includes and consent to any information 135
included in the child's profile. 136

(2) The agency shall, and an attorney may, submit each 137
profile it creates to the department of children and youth's "It 138
Takes Heart" adoption initiative database. 139

(C) The director of children and youth may adopt rules in 140
accordance with Chapter 119. of the Revised Code to implement 141
this section. 142

Sec. 5180.23. (A) Each public children services agency 143
shall report the following information to the department of 144
children and youth annually: 145

(1) The total number of children adopted in the previous 146
calendar year; 147

(2) The total number of children available for adoption; 148

(3) The ages of the children available for adoption; 149

(4) The total number of grants awarded under the Ohio 150
adoption grant program, sorted by the amount of one-time grant 151
payments awarded under divisions (B) (1), (2), and (C) of section 152
5180.451 of the Revised Code. 153

(B) Except as provided in division (C) of this section, 154
the department of children and youth shall compile a report of 155
the information received from the agencies under division (A) of 156
this section. Not later than the fourteenth day of February of 157
each year, the department, in accordance with section 101.68 of 158
the Revised Code, shall submit to the general assembly a report 159
of the following information: 160

(1) The total number of children adopted in the previous 161
calendar year; 162

<u>(2) The total number of children available for adoption,</u>	163
<u>sorted by county;</u>	164
<u>(3) The ages of the children available for adoption,</u>	165
<u>organized as a percentage of the total number of children</u>	166
<u>available for adoption;</u>	167
<u>(4) The total number of grants awarded under the Ohio</u>	168
<u>adoption grant program, sorted by the amount of one-time grant</u>	169
<u>payments awarded under divisions (B) (1) and (2) and (C) of</u>	170
<u>section 5180.451 of the Revised Code.</u>	171
<u>(C) The department shall not publish data, including data</u>	172
<u>in the aggregate, if the number of children in division (B) (1),</u>	173
<u>(2), or (3) of this section is fewer than ten children.</u>	174
Section 2. That existing section 5103.17 of the Revised	175
Code is hereby repealed.	176