

**As Reported by the House Children and Human Services Committee**

**136th General Assembly**

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**2025-2026**

**Am. H. B. No. 865**

**Representatives Mathews, T., White, A.**

**Cosponsor: Representative Lett**

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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

<u>Heart" web site or its successor web site.</u>	19
<u>(2) Contact information for the relevant agency staff who oversee adoption;</u>	20
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<u>(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.</u>	22
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<u>(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.</u>	25
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<b>Sec. 5103.17.</b> (A) As used in this section:	29
(1) "Advertise" means a method of 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, or otherwise.	30
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(2) "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.	35
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(B) Subject to <del>section</del> <u>sections</u> 5103.16 and 5103.171 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 children and youth under section 5103.03 of the Revised Code or a public children services agency, shall advertise that the person or government entity will adopt children or place them in foster homes, hold out inducements to	40
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parents to part with their offspring or in any manner knowingly 48  
become a party to the separation of a child from the child's 49  
parents or guardians, except through a juvenile court or probate 50  
court commitment. 51

(C) ~~The~~ Subject to section 5103.171 of the Revised Code, 52  
the biological parent of a child may advertise the availability 53  
for placement of the parent's child for adoption to a qualified 54  
adoptive parent. 55

(D) A qualified adoptive parent may advertise that the 56  
qualified adoptive parent is available for placement of a child 57  
into the qualified adoptive parent's care for the purpose of 58  
adopting the child. 59

(E) A government entity may advertise about its role in 60  
the placement of children for adoption or any other information 61  
that would be relevant to qualified adoptive parents. 62

(F) Except as provided in section 3107.055 of the Revised 63  
Code, the following apply: 64

(1) No person shall offer money or anything of value in 65  
exchange for placement of a child for adoption. 66

(2) No biological parent may request money or anything of 67  
value in exchange for placement for adoption of the parent's 68  
child with a qualified adoptive parent. 69

(G) If the department of children and youth has reasonable 70  
cause to believe a violation of this section has been committed, 71  
the department shall notify the attorney general or the county 72  
prosecutor, city attorney, village solicitor, or other chief 73  
legal officer of the political subdivision in which the 74  
violation has allegedly occurred. On receipt of the 75  
notification, the attorney general, county prosecutor, city 76

attorney, village solicitor, or other chief legal officer shall 77  
take action to enforce this section through injunctive relief or 78  
criminal charge. 79

Sec. 5103.171. (A) (1) The department of children and youth 80  
shall establish and maintain on its "It Takes Heart" adoption 81  
initiative web site or its successor web site a centralized 82  
database that publishes the profiles of children who are 83  
available for placement with qualified adoptive parents, as 84  
prepared by public children services agencies, private child 85  
placing agencies, private noncustodial agencies, and attorneys, 86  
in accordance with division (B) of this section. The database 87  
shall not be publicly accessible except by qualified adoptive 88  
parents with a password-protected account. 89

The department shall not permit a qualified adoptive 90  
parent to create an account until the qualified adoptive parent 91  
has completed all required training and has an approved and 92  
unexpired home study. The account shall be suspended upon the 93  
expiration of the home study or training and shall not be 94  
reinstated until the qualified adoptive parent provides a valid 95  
and unexpired home study or completes training, as applicable. 96

(2) The department of children and youth shall maintain 97  
verification of a qualified adoptive parent's training and 98  
approved home study. Upon the request of the qualified adoptive 99  
parent's recommending agency or attorney, the department shall 100  
share the qualified adoptive parent's training and approved home 101  
study with the recommending agency or attorney. 102

(3) The department shall remove a child's profile on the 103  
request of the child. The department shall periodically review 104  
the database to remove profiles of children who either: 105

<u>(a) Are eighteen years of age or older;</u>	106
<u>(b) Have been adopted, have a court-appointed guardian, or are otherwise unavailable for adoption.</u>	107 108
<u>(4) Profiles of children who are available for placement with qualified adoptive parents shall be published only through the department's "It Takes Heart" adoption initiative web site or its successor web site. No person or government entity other than the department shall publish profiles of children who are available for placement with qualified adoptive parents.</u>	109 110 111 112 113 114
<u>(B) (1) Each public children services agency, private child placing agency, and private noncustodial agency shall, and an attorney may, create a profile for each child to whom both of the following apply:</u>	115 116 117 118
<u>(a) The agency or attorney serves the child who is available for placement with qualified adoptive parents.</u>	119 120
<u>(b) The child consents, in accordance with division (B) (2) of this section, to have the profile created.</u>	121 122
<u>No agency or attorney shall be required to create a profile of a child if the child does not consent to have a profile created.</u>	123 124 125
<u>(2) (a) No agency or attorney shall obtain consent from a child to create a profile unless the child is twelve years of age or older.</u>	126 127 128
<u>(b) In obtaining consent from the child, the agency or attorney shall explain to the child the child's options and rights regarding the profile in an adoption-competent, trauma-informed, and developmentally appropriate manner.</u>	129 130 131 132
<u>(c) The profile of a child who is part of a sibling group</u>	133

shall indicate that the child is part of a sibling group and 134  
specify the number of children in the sibling group. 135

(3) In creating a profile, the agency or attorney shall be 136  
subject to the following requirements: 137

(a) A profile of a child shall not include any of the 138  
following: 139

(i) Any personally identifiable information; 140

(ii) The child's medical information or information 141  
regarding the child's mental, physical, or social impairment or 142  
disability, including information on behavioral issues or 143  
substance use; 144

(iii) A picture or video of the child. 145

(b) A child shall have the opportunity to provide input on 146  
what the child's profile includes and to consent, in accordance 147  
with division (B) (2) of this section, to any information 148  
included in the child's profile. 149

(4) The agency shall, and an attorney may, submit each 150  
profile it creates to the department of children and youth's "It 151  
Takes Heart" adoption initiative database. 152

(C) The director of children and youth may adopt rules in 153  
accordance with Chapter 119. of the Revised Code to implement 154  
this section. 155

**Sec. 5180.23.** (A) Each public children services agency 156  
shall report the following information to the department of 157  
children and youth annually: 158

(1) The total number of children adopted in the previous 159  
calendar year; 160

<u>(2) The total number of children available for adoption;</u>	161
<u>(3) The ages of the children available for adoption.</u>	162
<u>(B) Except as provided in division (C) of this section,</u>	163
<u>the department of children and youth shall compile a report of</u>	164
<u>the information received from the agencies under division (A) of</u>	165
<u>this section. Not later than the fourteenth day of February of</u>	166
<u>each year, the department, in accordance with section 101.68 of</u>	167
<u>the Revised Code, shall submit to the general assembly a report</u>	168
<u>of the following information:</u>	169
<u>(1) The total number of children adopted in the previous</u>	170
<u>calendar year;</u>	171
<u>(2) The total number of children available for adoption,</u>	172
<u>sorted by county;</u>	173
<u>(3) The ages of the children available for adoption,</u>	174
<u>organized as a percentage of the total number of children</u>	175
<u>available for adoption;</u>	176
<u>(4) The total number of grants awarded under the Ohio</u>	177
<u>adoption grant program, sorted by the amount of one-time grant</u>	178
<u>payments awarded under divisions (B) (1) and (2) and (C) of</u>	179
<u>section 5180.451 of the Revised Code.</u>	180
<u>(C) The department shall not publish data, including data</u>	181
<u>in the aggregate, if the number of children in division (B) (1),</u>	182
<u>(2), or (3) of this section is fewer than ten children.</u>	183
<b>Section 2.</b> That existing section 5103.17 of the Revised	184
Code is hereby repealed.	185