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Bill Analysis

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Primary Sponsor: Rep. Brewer

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SUMMARY

Putative father and grandparent notice in child welfare proceedings

- Requires a juvenile court, upon scheduling an adjudicatory hearing in a child welfare proceeding, to: (1) request that the Department of Children and Youth (DCY) conduct a putative father registry search and (2) determine whether the child has a grandparent with an existing companionship or visitation order.
- Requires DCY to search the Putative Father Registry, provide certified search results to the court, and notify any identified putative father of the proceedings and his participation rights.
- Requires the court to provide actual notice to a registered putative father and a grandparent with an existing companionship or visitation order before specified child welfare hearings.
- Grants a notified putative father or grandparent the opportunity to be heard but specifies that notice and participation do not make the person a party to the proceeding or action.
- Provides that notice under the bill's provisions is not required for a putative father who fails to timely register with the Putative Father Registry, unless paternity is later established.
- Requires a child's case plan to include Putative Father Registry search documentation and information concerning notice and engagement efforts for an identified putative father.

Putative father notice in companionship or visitation proceedings

- Requires a court to request that DCY conduct a Putative Father Registry search before conducting a companionship or visitation proceeding that may affect a child's sibling relationships.
- Requires DCY to search the Putative Father Registry, provide certified search results to the court, and notify any identified putative father of the proceedings and his participation rights.
- Requires the court to provide actual notice to a registered putative father before the proceeding.
- Grants a notified putative father the opportunity to be heard but specifies that notice and participation do not make him a party to the action.
- Requires a putative father to register within 15 days after the child's birth in order to receive notice under these provisions.

Bill title

- Designates the bill as the "Putative Fathers Matter Act."

DETAILED ANALYSIS

Putative father and grandparent notice in child welfare proceedings

The bill generally requires juvenile courts to provide putative fathers and grandparents with existing companionship or visitation orders with notice and the opportunity to be heard regarding child welfare proceedings related to the child. The bill adopts the existing law definition of a "putative father," which is a man, including one under 18 years of age, who may be a child's father but who is not married to the child's mother at the time of conception or birth, has not adopted the child, and has not established paternity.[1]

Court actions upon scheduling an adjudicatory hearing

The bill requires a court, upon fixing a time for an adjudicatory hearing on a complaint alleging that a child is abused, neglected, or dependent, to do both of the following:

- Request that the Department of Children and Youth (DCY) search the Putative Father Registry to determine whether a man is registered as the putative father of the child and inform DCY of the hearing date; and
- Determine whether the child has a grandparent who has an existing companionship or visitation order.

[1] R.C. 2151.011(A)(45); R.C. 3107.01(S), not in the bill

The Putative Father Registry is a statewide database managed by DCY that allows men to register if they believe they may be a child's father to ensure they are notified of adoption proceedings.[2] Existing law, unchanged by the bill, requires the court to schedule an adjudicatory hearing within 72 hours after a complaint is filed.[3]

Registry search results and DCY notice

Upon receiving a search request, DCY must search the Putative Father Registry and provide the results to the court within five days, unless good cause is shown. Depending on the results of the search:

- If a registered putative father is identified, DCY must provide the court with a certified copy of the registration form.
- If no registered putative father is identified, DCY must: (1) provide the court with a certified written statement indicating that no registration was found and specify the date the search request was submitted and (2) conduct a second search five days before the adjudicatory hearing to determine whether a putative father has registered since the initial search.
- If a putative father is identified in a subsequent search, DCY must provide the court with a certified copy of the registration form as soon as is feasible.

The bill prohibits DCY from charging a fee for conducting a registry search.[4]

If a registered putative father is identified, DCY also must provide written notice informing him:

- That he may be the father of the child identified in the registration;
- That the child is the subject of a complaint alleging abuse, neglect, or dependency; and
- That he has the right to receive notice of and an opportunity to be heard at the adjudicatory hearing and subsequent hearings regarding the child. [5]

The bill generally requires DCY to provide this notice within five days after providing the registration form to the court, unless good cause is shown. If a putative father is identified during the subsequent registry search, notice must be provided as soon as is feasible.[6]

[2] R.C. 3107.062, not in the bill.

[3] R.C. 2151.47(A) and 2151.28(A).

[4] R.C. 2151.47(B)(1).

[5] R.C. 2151.47(B)(2).

[6] R.C. 2151.47(B)(3).

Notice to agencies

The bill requires the court to provide a copy of the certified registry search document received from DCY to the public children services agency or private child placing agency that filed the complaint.[7]

Court notice before child welfare hearings

The bill requires the court to serve actual notice to a registered putative father and to any grandparent who has an existing companionship or visitation order before the following proceedings:

- An adjudicatory hearing;
- A shelter care hearing;
- A dispositional hearing;
- A hearing concerning the establishment or modification of a case plan;
- A permanent custody hearing;
- A dispositional review hearing upon the termination of a temporary custody order when a permanent custody order is not required;
- A judicial review hearing.

The notice must inform the individual of the date, time, and place of the hearing.[8] Note that under federal law and corresponding rules adopted by DCY, an agency must exercise due diligence within 30 days after a child's removal to identify and notify adult grandparents and other adult relatives of the child.[9]

Right to be heard

The bill gives a putative father and any grandparent who receives the notice described above the opportunity to be heard at the proceeding. However, the bill expressly states that this does not make the person a party to the action or proceeding.[10]

Actual notice

For purposes of these provisions, "actual notice" means written notice that is actually received by a putative father or grandparent and includes personal service or certified mail,

[7] R.C. 2151.47(C).

[8] R.C. 2151.471(A); conforming changes in R.C. 2151.35(C), 2151.412(F)(2)(a) and (b) and (3)(a) and (b), 2151.414(A)(1), 2151.415(B), 2151.416(E)(1) and (2), and 2151.417(A) and (F).

[9] 42 United States Code 671(a)(29); Ohio Administrative Code 5180:2-39-01(H).

[10] R.C. 2151.471(A) and (B).

return receipt requested. Supplemental notice may be provided by email or text message if the recipient provides an email address or telephone number.[11]

Registration deadline for notice rights

The bill provides that notice is not required if a putative father fails to timely register with the Putative Father Registry, unless paternity later is established. While existing law allows a putative father to register at any time, for purposes of notice of child welfare proceedings under the bill, a putative father may register up to five days before the adjudicatory hearing.[12]

Case plan requirements

The bill requires a case plan to include the certified documentation from DCY describing the results of the Putative Father Registry search (see "**Registry search and results**," above). If a registered putative father is identified, the case plan also must include:

- Each effort the court has made to provide the required notice to the putative father of each child welfare proceeding (see "**Notice before child welfare proceedings**," above); and
- How the case plan will engage the putative father with the child and the child's siblings.[13]

Putative father notice in companionship or visitation proceedings

Registry search request

Before conducting a companionship or visitation proceeding that may affect the sibling relationships of the child who is the subject of the petition, the bill requires the court to request that DCY search the Putative Father Registry. The request must include the mother's name.[14]

Search results and notice by DCY

Upon receiving the request, DCY must search the Registry and provide the results to the court within five days, unless good cause is shown. If a registered putative father is identified, DCY must provide a certified copy of the registration form to the court. If no registered putative father is identified, DCY must provide a certified written statement to that effect and include the date on which the search request was submitted. DCY may not charge a fee for conducting a registry search.[15]

If a registered putative father is identified, DCY also must provide written notice informing him:

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[11] R.C. 2151.471(D).

[12] R.C. 2151.471(C) and 3107.062(A)(2).

[13] R.C. 2151.412(K).

[14] R.C. 3109.121(A).

[15] R.C. 3109.121(B).

- That he may be the father of the child identified in the registration;
- That the child is the subject of a companionship or visitation proceeding; and
- That he has the right to receive notice of and an opportunity to be heard in the proceeding.

DCY must provide this notice within ten days after providing the registration form to the court.[16]

Court notice and right to be heard

Before conducting a companionship or visitation proceeding that may affect the child's sibling relationships, the bill requires the court to serve actual notice on the registered putative father stating the date, time, and location of the hearing (see "**Actual notice**," above). Supplemental notice may be provided by email or text message if the recipient provides an email address or telephone number.[17]

The putative father has the right to be heard but notice and the opportunity to be heard do not make him a party to the action.[18]

Registration deadline for notice rights

The bill provides that notice is not required if a putative father fails to timely register with the Putative Father Registry. For purposes of receiving notice for companionship or visitation proceedings, a putative father must register within 15 days after the child's birth. Under existing law, a putative father likewise must register within 15 days after the child's birth to preserve his right to consent to an adoption.[19]

Bill title

The bill is entitled the "Putative Fathers Matter Act."[20]

HISTORY

Action	Date
Introduced	05-12-26

ANHB0898IN-136/sb

[16] R.C. 3109.121(C) and (D). A technical amendment is needed to correct an incorrect cross-reference in division (D) of this section.

[17] R.C. 3109.122(A) and (D).

[18] R.C. 3109.122(A) and (B).

[19] R.C. 3107.062(A)(2) and 3109.122(C).

[20] Section 3.