

Brian Anderson - Opponent Testimony on Sub. H. B. No. 283

As a former foster and current adoptive parent, I would like to shed some light on and add some clarity to how Ohio HB 283 would have affected my family. To put it simply, HB 283 would have prevented the adoption of our daughter Madeline.

The Ohio Revised Code explicitly vests the power to determine whether adoption is in a child's best interests in the Ohio Probate Court System. HB 283 would infringe upon this long held process, only allowing a Probate Court to make this determination if a juvenile court judge first agrees to it for those children in the temporary custody of a Public Children Services Agency, resulting in these children being treated differently than other children being placed for adoption in Ohio.

A birth mother's right to choose an adoptive plan for her child is a fundamental, constitutional right prior to termination of parental rights. In Ohio, it is up to the Probate Court system and probate judges to determine if a proposed adoptive plan meets the criteria outlined in the Ohio Revised Code and serves the best interests of the child.

The 2016 Ohio Supreme Court decision in our adoption case supported the above framework found in the Ohio Revised Code, clearly defining this process for future birth mothers and prospective adoptive families that they may choose. However, HB 283 seeks to reverse this outcome.

Many have asked my wife and I, "Why did the juvenile court try to prevent your adoption of Madeline?" That is a question I do not know the answer to. That is a question my wife and I have asked ourselves a million times. And while the answer to this question eludes us, what I do know is that my wife and I would never have been able to adopt Madeline per her birth mother's wishes had HB 283 changes been a part of the Ohio Revised Code prior to our case.

Our concerns with HB 283 are many. This bill gives the juvenile court system the ability to defeat an adoption rather than vesting the best interest determination in the probate court system. HB 283 lists no criteria by which juvenile court judges are charged with using as a measuring stick to determine whether to give consent to a probate court's consideration of an adoption petition for a child or children in temporary custody. This bill would allow a juvenile court judge to prohibit an adoption petition from going through the probate court system without requiring that juvenile court judge to memorialize for the record the reasoning and justification behind that decision, leaving all involved parties asking the question, "why?", just as my wife and I have asked ourselves a million times.

Additionally, as I have watched this bill move through the Ohio House of Representatives, I can tell you that there have been some statements made that are either greatly exaggerated or clearly not true. To that point, I can tell you that contrary to previous testimony on this bill, it WILL NOT speed up the adoption process. Rather, HB 283 would add


additional layers of court hearings and determinations that must be made. Secondly, testimony has previously been given in support of HB 283 making it appear as if the lack of this legislation revision allowed my wife and I to adopt Madeline without an approved home study. I can assure you that this is absolutely false, and unfortunately, the Representative that made this inference never so much as reached out to my family to discuss her concerns.

Madeline was placed in the care of my wife and I when she was 14 days old. Her birth mother fought the demons of addiction and was not able to move forward. As it became clear she was not going to regain custody of her daughter, she asked my wife and I if we would be willing to adopt Madeline. We, of course, said, "YES". The juvenile court tried to prevent this adoption. The probate court found this adoption to be in Madeline's best interests.

If Ohio House Bill 283 had been in place, I know where Madeline would be, and I will tell you it is NOT a place I would ever send any of my other children. That is why Madeline's birth mother chose us.

This proposed piece of legislation arose from my family's adoption case. I can tell you without a doubt, the Ohio Supreme Court got it right. What happened in our case was the RIGHT decision. I know Madeline would agree. If you have not talked to my wife and I, if you have not heard our story, I would urge you to vote NO on HB 283. Thank you for your time, and if you have questions, please feel free to contact me as outlined on my Judiciary Committee Witness form.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Anderson", written in a cursive style.

Brian Anderson

Celina, Ohio