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**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 5**

**Representatives Ray, Baker**

**Cosponsors: Representatives Schmidt, Barhorst, Liston, Mathews, White, Abdullahi, Abrams, Blackshear, Brennan, Brent, Brewer, Brown, Callender, Carruthers, Claggett, Cross, Dell'Aquila, Demetriou, Denson, Dobos, Edwards, Forhan, Fowler Arthur, Galonski, Grim, Hall, Hillyer, Hoops, Isaacsohn, Jarrells, John, Johnson, Jones, Kick, King, Klopfenstein, Lampton, Lightbody, Loychik, Manning, McNally, Miller, J., Miller, M., Miranda, Patton, Pavliga, Peterson, Pizzulli, Richardson, Robb Blasdel, Robinson, Rogers, Russo, Seitz, Somani, Stein, Swearingen, Sweeney, Thomas, C., Troy, Upchurch, Williams, Willis, Young, T.**

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**A BILL**

To amend sections 2101.24, 2151.412, 2151.414, 1  
2937.02, 3107.01, 3107.011, 3107.02, 3107.03, 2  
3107.04, 3107.05, 3107.055, 3107.06, 3107.07, 3  
3107.08, 3107.082, 3107.083, 3107.084, 3107.11, 4  
3107.12, 3107.14, 3107.16, 3107.161, 3107.17, 5  
3107.18, 3107.19, 3107.46, 5103.15, 5103.153, 6  
and 5103.16; to amend, for the purpose of 7  
adopting a new section number as indicated in 8  
parentheses, section 3107.051 (3107.052); to 9  
enact new section 3107.051 and section 3107.20; 10  
and to repeal sections 3107.071 and 3107.13 of 11  
the Revised Code to modernize adoption laws. 12

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

**Section 1.** That sections 2101.24, 2151.412, 2151.414, 13  
2937.02, 3107.01, 3107.011, 3107.02, 3107.03, 3107.04, 3107.05, 14

3107.055, 3107.06, 3107.07, 3107.08, 3107.082, 3107.083, 15  
3107.084, 3107.11, 3107.12, 3107.14, 3107.16, 3107.161, 3107.17, 16  
3107.18, 3107.19, 3107.46, 5103.15, 5103.153, and 5103.16 be 17  
amended; section 3107.051 (3107.052) be amended for the purpose 18  
of adopting a new section number as indicated in parentheses; 19  
and new section 3107.051 and section 3107.20 of the Revised Code 20  
be enacted to read as follows: 21

**Sec. 2101.24.** (A) (1) Except as otherwise provided by law, 22  
the probate court has exclusive jurisdiction: 23

(a) To take the proof of wills and to admit to record 24  
authenticated copies of wills executed, proved, and allowed in 25  
the courts of any other state, territory, or country. If the 26  
probate judge is unavoidably absent, any judge of the court of 27  
common pleas may take proof of wills and approve bonds to be 28  
given, but the record of these acts shall be preserved in the 29  
usual records of the probate court. 30

(b) To grant and revoke letters testamentary and of 31  
administration; 32

(c) To direct and control the conduct and settle the 33  
accounts of executors and administrators and order the 34  
distribution of estates; 35

(d) To appoint the attorney general to serve as the 36  
administrator of an estate pursuant to section 2113.06 of the 37  
Revised Code; 38

(e) To appoint and remove guardians, conservators, and 39  
testamentary trustees, direct and control their conduct, and 40  
settle their accounts; 41

(f) To grant marriage licenses; 42

(g) To make inquests respecting persons who are so 43  
mentally impaired as a result of a mental or physical illness or 44  
disability, as a result of intellectual disability, or as a 45  
result of chronic substance abuse, that they are unable to 46  
manage their property and affairs effectively, subject to 47  
guardianship; 48

(h) To qualify assignees, appoint and qualify trustees and 49  
commissioners of insolvents, control their conduct, and settle 50  
their accounts; 51

(i) To authorize the sale of lands, equitable estates, or 52  
interests in lands or equitable estates, and the assignments of 53  
inchoate dower in such cases of sale, on petition by executors, 54  
administrators, and guardians; 55

(j) To authorize the completion of real property contracts 56  
on petition of executors and administrators; 57

(k) To construe wills; 58

(l) To render declaratory judgments, including, but not 59  
limited to, those rendered pursuant to Chapter 5817. of the 60  
Revised Code; 61

(m) To direct and control the conduct of fiduciaries and 62  
settle their accounts; 63

(n) To authorize the sale or lease of any estate created 64  
by will if the estate is held in trust, on petition by the 65  
trustee; 66

(o) To terminate a testamentary trust in any case in which 67  
a court of equity may do so; 68

(p) To hear and determine actions to contest the validity 69  
of wills; 70

(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	71 72 73
(r) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	74 75
(s) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	76 77
(t) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	78 79 80
(u) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	81 82 83
(v) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	84 85 86
(w) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	87 88 89 90 91 92
(x) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;	93 94 95 96 97
(y) To hear and determine applications of attending	98

physicians in accordance with division (B) of section 2133.15 of the Revised Code;	99 100
(z) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	101 102 103 104 105 106
(aa) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	107 108 109
(bb) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code;	110 111 112
(cc) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;	113 114 115
(dd) To hear and determine actions relating to the disinterment and reinterment of human remains under section 517.23 of the Revised Code;	116 117 118
(ee) To hear and determine petitions for an order for treatment of a person experiencing alcohol and other drug abuse filed under section 5119.93 of the Revised Code and to order treatment of that nature in accordance with, and take other actions afforded to the court under, sections 5119.90 to 5119.98 of the Revised Code;	119 120 121 122 123 124
<u>(ff) To hear and determine petitions for adoption.</u>	125
(2) In addition to the exclusive jurisdiction conferred	126

upon the probate court by division (A) (1) of this section, the 127  
probate court shall have exclusive jurisdiction over a 128  
particular subject matter if both of the following apply: 129

(a) Another section of the Revised Code expressly confers 130  
jurisdiction over that subject matter upon the probate court. 131

(b) No section of the Revised Code expressly confers 132  
jurisdiction over that subject matter upon any other court or 133  
agency. 134

(B) (1) The probate court has concurrent jurisdiction with, 135  
and the same powers at law and in equity as, the general 136  
division of the court of common pleas to issue writs and orders, 137  
and to hear and determine actions as follows: 138

(a) If jurisdiction relative to a particular subject 139  
matter is stated to be concurrent in a section of the Revised 140  
Code or has been construed by judicial decision to be 141  
concurrent, any action that involves that subject matter; 142

(b) Any action that involves an inter vivos trust; a trust 143  
created pursuant to section 5815.28 of the Revised Code; a 144  
charitable trust or foundation; subject to divisions (A) (1) (t) 145  
and (y) of this section, a power of attorney, including, but not 146  
limited to, a durable power of attorney; the medical treatment 147  
of a competent adult; or a writ of habeas corpus; 148

(c) Subject to section 2101.31 of the Revised Code, any 149  
action with respect to a probate estate, guardianship, trust, or 150  
post-death dispute that involves any of the following: 151

(i) A designation or removal of a beneficiary of a life 152  
insurance policy, annuity contract, retirement plan, brokerage 153  
account, security account, bank account, real property, or 154  
tangible personal property; 155

(ii) A designation or removal of a payable-on-death beneficiary or transfer-on-death beneficiary;	156 157
(iii) A change in the title to any asset involving a joint and survivorship interest;	158 159
(iv) An alleged gift;	160
(v) The passing of assets upon the death of an individual otherwise than by will, intestate succession, or trust.	161 162
(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.	163 164 165 166
(3) Notwithstanding that the probate court has exclusive jurisdiction to render declaratory judgments under Chapter 5817. of the Revised Code, the probate court may transfer the proceeding to the general division of the court of common pleas pursuant to division (A) of section 5817.04 of the Revised Code.	167 168 169 170 171
(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.	172 173 174 175
(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.	176 177 178
<b>Sec. 2151.412.</b> (A) Each public children services agency and private child placing agency shall prepare and maintain a case plan for any child to whom the agency is providing services and to whom any of the following applies:	179 180 181 182
(1) The agency filed a complaint pursuant to section	183

2151.27 of the Revised Code alleging that the child is an 184  
abused, neglected, or dependent child; 185

(2) The agency has temporary or permanent custody of the 186  
child; 187

(3) The child is living at home subject to an order for 188  
protective supervision; 189

(4) The child is in a planned permanent living 190  
arrangement. 191

Except as provided by division (A) (2) of section 5103.153 192  
of the Revised Code, a private child placing agency providing 193  
services to a child who is the subject of a voluntary permanent 194  
custody surrender agreement entered into under division ~~(B) (2)~~ 195  
(B) (4) of section 5103.15 of the Revised Code is not required to 196  
prepare and maintain a case plan for that child. 197

(B) Each public children services agency shall prepare and 198  
maintain a case plan for any child for whom the agency is 199  
providing in-home services pursuant to an alternative response. 200

(C) (1) The director of job and family services shall adopt 201  
rules pursuant to Chapter 119. of the Revised Code setting forth 202  
the content and format of case plans required by division (A) of 203  
this section and establishing procedures for developing, 204  
implementing, and changing the case plans. The rules shall at a 205  
minimum comply with the requirements of Title IV-E of the 206  
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 207

(2) The director of job and family services shall adopt 208  
rules pursuant to Chapter 119. of the Revised Code requiring 209  
public children services agencies and private child placing 210  
agencies to maintain case plans for children and their families 211  
who are receiving services in their homes from the agencies and 212



for whom case plans are not required by division (A) of this 213  
section. The rules for public children services agencies shall 214  
include the requirements for case plans maintained for children 215  
and their families who are receiving services in their homes 216  
from public children services agencies pursuant to an 217  
alternative response. The agencies shall maintain case plans as 218  
required by those rules; however, the case plans shall not be 219  
subject to any other provision of this section except as 220  
specifically required by the rules. 221

(D) Each public children services agency and private child 222  
placing agency that is required by division (A) of this section 223  
to maintain a case plan shall file the case plan with the court 224  
prior to the child's adjudicatory hearing but no later than 225  
thirty days after the earlier of the date on which the complaint 226  
in the case was filed or the child was first placed into shelter 227  
care. If the agency does not have sufficient information prior 228  
to the adjudicatory hearing to complete any part of the case 229  
plan, the agency shall specify in the case plan the additional 230  
information necessary to complete each part of the case plan and 231  
the steps that will be taken to obtain that information. All 232  
parts of the case plan shall be completed by the earlier of 233  
thirty days after the adjudicatory hearing or the date of the 234  
dispositional hearing for the child. 235

(E) Any agency that is required by division (A) of this 236  
section to prepare a case plan shall attempt to obtain an 237  
agreement among all parties, including, but not limited to, the 238  
parents, guardian, or custodian of the child and the guardian ad 239  
litem of the child regarding the content of the case plan. If 240  
all parties agree to the content of the case plan and the court 241  
approves it, the court shall journalize it as part of its 242  
dispositional order. If the agency cannot obtain an agreement 243

upon the contents of the case plan or the court does not approve 244  
it, the parties shall present evidence on the contents of the 245  
case plan at the dispositional hearing. The court, based upon 246  
the evidence presented at the dispositional hearing and the best 247  
interest of the child, shall determine the contents of the case 248  
plan and journalize it as part of the dispositional order for 249  
the child. 250

(F) (1) All parties, including the parents, guardian, or 251  
custodian of the child, are bound by the terms of the 252  
journalized case plan. A party that fails to comply with the 253  
terms of the journalized case plan may be held in contempt of 254  
court. 255

(2) Any party may propose a change to a substantive part 256  
of the case plan, including, but not limited to, the child's 257  
placement and the visitation rights of any party. A party 258  
proposing a change to the case plan shall file the proposed 259  
change with the court and give notice of the proposed change in 260  
writing before the end of the day after the day of filing it to 261  
all parties and the child's guardian ad litem. All parties and 262  
the guardian ad litem shall have seven days from the date the 263  
notice is sent to object to and request a hearing on the 264  
proposed change. 265

(a) If it receives a timely request for a hearing, the 266  
court shall schedule a hearing pursuant to section 2151.417 of 267  
the Revised Code to be held no later than thirty days after the 268  
request is received by the court. The court shall give notice of 269  
the date, time, and location of the hearing to all parties and 270  
the guardian ad litem. The agency may implement the proposed 271  
change after the hearing, if the court approves it. The agency 272  
shall not implement the proposed change unless it is approved by 273

the court. 274

(b) If it does not receive a timely request for a hearing, 275  
the court may approve the proposed change without a hearing. If 276  
the court approves the proposed change without a hearing, it 277  
shall journalize the case plan with the change not later than 278  
fourteen days after the change is filed with the court. If the 279  
court does not approve the proposed change to the case plan, it 280  
shall schedule a hearing to be held pursuant to section 2151.417 281  
of the Revised Code no later than thirty days after the 282  
expiration of the fourteen-day time period and give notice of 283  
the date, time, and location of the hearing to all parties and 284  
the guardian ad litem of the child. If, despite the requirements 285  
of division (F) (2) of this section, the court neither approves 286  
and journalizes the proposed change nor conducts a hearing, the 287  
agency may implement the proposed change not earlier than 288  
fifteen days after it is submitted to the court. 289

(3) If an agency has reasonable cause to believe that a 290  
child is suffering from illness or injury and is not receiving 291  
proper care and that an appropriate change in the child's case 292  
plan is necessary to prevent immediate or threatened physical or 293  
emotional harm, to believe that a child is in immediate danger 294  
from the child's surroundings and that an immediate change in 295  
the child's case plan is necessary to prevent immediate or 296  
threatened physical or emotional harm to the child, or to 297  
believe that a parent, guardian, custodian, or other member of 298  
the child's household has abused or neglected the child and that 299  
the child is in danger of immediate or threatened physical or 300  
emotional harm from that person unless the agency makes an 301  
appropriate change in the child's case plan, it may implement 302  
the change without prior agreement or a court hearing and, 303  
before the end of the next day after the change is made, give 304

all parties, the guardian ad litem of the child, and the court 305  
notice of the change. Before the end of the third day after 306  
implementing the change in the case plan, the agency shall file 307  
a statement of the change with the court and give notice of the 308  
filing accompanied by a copy of the statement to all parties and 309  
the guardian ad litem. All parties and the guardian ad litem 310  
shall have ten days from the date the notice is sent to object 311  
to and request a hearing on the change. 312

(a) If it receives a timely request for a hearing, the 313  
court shall schedule a hearing pursuant to section 2151.417 of 314  
the Revised Code to be held no later than thirty days after the 315  
request is received by the court. The court shall give notice of 316  
the date, time, and location of the hearing to all parties and 317  
the guardian ad litem. The agency shall continue to administer 318  
the case plan with the change after the hearing, if the court 319  
approves the change. If the court does not approve the change, 320  
the court shall make appropriate changes to the case plan and 321  
shall journalize the case plan. 322

(b) If it does not receive a timely request for a hearing, 323  
the court may approve the change without a hearing. If the court 324  
approves the change without a hearing, it shall journalize the 325  
case plan with the change within fourteen days after receipt of 326  
the change. If the court does not approve the change to the case 327  
plan, it shall schedule a hearing under section 2151.417 of the 328  
Revised Code to be held no later than thirty days after the 329  
expiration of the fourteen-day time period and give notice of 330  
the date, time, and location of the hearing to all parties and 331  
the guardian ad litem of the child. 332

(G) (1) All case plans for children in temporary custody 333  
shall have the following general goals: 334

(a) Consistent with the best interest and special needs of 335  
the child, to achieve a safe out-of-home placement in the least 336  
restrictive, most family-like setting available and in close 337  
proximity to the home from which the child was removed or the 338  
home in which the child will be permanently placed; 339

(b) To eliminate with all due speed the need for the out- 340  
of-home placement so that the child can safely return home. 341

(2) The director of job and family services shall adopt 342  
rules pursuant to Chapter 119. of the Revised Code setting forth 343  
the general goals of case plans for children subject to 344  
dispositional orders for protective supervision, a planned 345  
permanent living arrangement, or permanent custody. 346

(H) In the agency's development of a case plan and the 347  
court's review of the case plan, the child's health and safety 348  
shall be the paramount concern. The agency and the court shall 349  
be guided by the following general priorities: 350

(1) A child who is residing with or can be placed with the 351  
child's parents within a reasonable time should remain in their 352  
legal custody even if an order of protective supervision is 353  
required for a reasonable period of time; 354

(2) If both parents of the child have abandoned the child, 355  
have relinquished custody of the child, have become incapable of 356  
supporting or caring for the child even with reasonable 357  
assistance, or have a detrimental effect on the health, safety, 358  
and best interest of the child, the child should be placed in 359  
the legal custody of a suitable member of the child's extended 360  
family; 361

(3) If a child described in division (H) (2) of this 362  
section has no suitable member of the child's extended family to 363

accept legal custody, the child should be placed in the legal 364  
custody of a suitable nonrelative who shall be made a party to 365  
the proceedings after being given legal custody of the child; 366

(4) If the child has no suitable member of the child's 367  
extended family to accept legal custody of the child and no 368  
suitable nonrelative is available to accept legal custody of the 369  
child and, if the child temporarily cannot or should not be 370  
placed with the child's parents, guardian, or custodian, the 371  
child should be placed in the temporary custody of a public 372  
children services agency or a private child placing agency; 373

(5) If the child cannot be placed with either of the 374  
child's parents within a reasonable period of time or should not 375  
be placed with either, if no suitable member of the child's 376  
extended family or suitable nonrelative is available to accept 377  
legal custody of the child, and if the agency has a reasonable 378  
expectation of placing the child for adoption, the child should 379  
be committed to the permanent custody of the public children 380  
services agency or private child placing agency; 381

(6) If the child is to be placed for adoption or foster 382  
care, the placement shall not be delayed or denied on the basis 383  
of the child's or adoptive or foster family's race, color, or 384  
national origin. 385

(I) The case plan for a child in temporary custody shall 386  
include at a minimum the following requirements if the child is 387  
or has been the victim of abuse or neglect or if the child 388  
witnessed the commission in the child's household of abuse or 389  
neglect against a sibling of the child, a parent of the child, 390  
or any other person in the child's household: 391

(1) A requirement that the child's parents, guardian, or 392

custodian participate in mandatory counseling; 393

(2) A requirement that the child's parents, guardian, or 394  
custodian participate in any supportive services that are 395  
required by or provided pursuant to the child's case plan. 396

(J) (1) Prior to January 1, 2023, a case plan for a child 397  
in temporary custody may include, as a supplement, a plan for 398  
locating a permanent family placement. The supplement shall not 399  
be considered part of the case plan for purposes of division (E) 400  
of this section. 401

(2) On and after January 1, 2023, a case plan for a child 402  
in temporary custody shall include a permanency plan for the 403  
child unless it is documented that such a plan would not be in 404  
the best interest of the child. The permanency plan shall 405  
describe the services the agency shall provide to achieve 406  
permanency for the child if reasonable efforts to return the 407  
child to the child's home, or eliminate the continued removal 408  
from that home, are unsuccessful. Those services shall be 409  
provided concurrently with reasonable efforts to return the 410  
child home or eliminate the child's continued removal from home. 411

(3) The director of job and family services, pursuant to 412  
Chapter 119. of the Revised Code, shall adopt rules necessary to 413  
carry out the purposes of division (J) of this section. 414

(K) (1) A public children services agency may request that 415  
the superintendent of the bureau of criminal identification and 416  
investigation conduct a criminal records check with respect to a 417  
parent, guardian, custodian, prospective custodian, or 418  
prospective placement whose actions result in a finding after 419  
the filing of a complaint as described in division (A) (1) of 420  
this section that a child is an abused, neglected, or dependent 421

child. The public children services agency shall request that 422  
the superintendent obtain information from the federal bureau of 423  
investigation as part of the criminal records check. 424

(2) At any time on or after the date that is ninety days 425  
after September 10, 2012, a prosecuting attorney, or an 426  
assistant prosecuting attorney appointed under section 309.06 of 427  
the Revised Code, may request that the superintendent of the 428  
bureau of criminal identification and investigation conduct a 429  
criminal records check with respect to each parent, guardian, 430  
custodian, prospective custodian, or prospective placement whose 431  
actions resulted in a finding after the filing of a complaint 432  
described in division (A)(1) of this section that a child is an 433  
abused, neglected, or dependent child. Each prosecuting attorney 434  
or assistant prosecuting attorney who makes such a request shall 435  
request that the superintendent obtain information from the 436  
federal bureau of investigation as part of the criminal records 437  
check for each parent, guardian, custodian, prospective 438  
custodian, or prospective placement who is a subject of the 439  
request. 440

(3) A public children services agency, prosecuting 441  
attorney, or assistant prosecuting attorney that requests a 442  
criminal records check under division (K)(1) or (2) of this 443  
section shall do both of the following: 444

(a) Provide to each parent, guardian, custodian, 445  
prospective custodian, or prospective placement for whom a 446  
criminal records check is requested a copy of the form 447  
prescribed pursuant to division (C)(1) of section 109.572 of the 448  
Revised Code and a standard fingerprint impression sheet 449  
prescribed pursuant to division (C)(2) of that section and 450  
obtain the completed form and impression sheet from the parent, 451



guardian, custodian, prospective custodian, or prospective placement; 452  
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(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation. 454  
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(4) A parent, guardian, custodian, prospective custodian, or prospective placement who is given a form and fingerprint impression sheet under division (K) (3) (a) of this section and who fails to complete the form or provide fingerprint impressions may be held in contempt of court. 457  
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**Sec. 2151.414.** (A) (1) Upon the filing of a motion pursuant to section 2151.413 of the Revised Code for permanent custody of a child, the court shall schedule a hearing and give notice of the filing of the motion and of the hearing, in accordance with section 2151.29 of the Revised Code, to all parties to the action and to the child's guardian ad litem. The notice also shall contain a full explanation that the granting of permanent custody permanently divests the parents of their parental rights, a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent, and the name and telephone number of the court employee designated by the court pursuant to section 2151.314 of the Revised Code to arrange for the prompt appointment of counsel for indigent persons. 462  
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The court shall conduct a hearing in accordance with section 2151.35 of the Revised Code to determine if it is in the best interest of the child to permanently terminate parental rights and grant permanent custody to the agency that filed the motion. The adjudication that the child is an abused, neglected, or dependent child and any dispositional order that has been 476  
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issued in the case under section 2151.353 of the Revised Code 482  
pursuant to the adjudication shall not be readjudicated at the 483  
hearing and shall not be affected by a denial of the motion for 484  
permanent custody. 485

(2) The court shall hold the hearing scheduled pursuant to 486  
division (A)(1) of this section not later than one hundred 487  
twenty days after the agency files the motion for permanent 488  
custody, except that, for good cause shown, the court may 489  
continue the hearing for a reasonable period of time beyond the 490  
one-hundred-twenty-day deadline. The court shall issue an order 491  
that grants, denies, or otherwise disposes of the motion for 492  
permanent custody, and journalize the order, not later than two 493  
hundred days after the agency files the motion. 494

If a motion is made under division (D)(2) of section 495  
2151.413 of the Revised Code and no dispositional hearing has 496  
been held in the case, the court may hear the motion in the 497  
dispositional hearing required by division (B) of section 498  
2151.35 of the Revised Code. If the court issues an order 499  
pursuant to section 2151.353 of the Revised Code granting 500  
permanent custody of the child to the agency, the court shall 501  
immediately dismiss the motion made under division (D)(2) of 502  
section 2151.413 of the Revised Code. 503

The failure of the court to comply with the time periods 504  
set forth in division (A)(2) of this section does not affect the 505  
authority of the court to issue any order under this chapter and 506  
does not provide any basis for attacking the jurisdiction of the 507  
court or the validity of any order of the court. 508

(B)(1) Except as provided in division (B)(2) of this 509  
section, the court may grant permanent custody of a child to a 510  
movant if the court determines at the hearing held pursuant to 511

division (A) of this section, by clear and convincing evidence, 512  
that it is in the best interest of the child to grant permanent 513  
custody of the child to the agency that filed the motion for 514  
permanent custody and that any of the following apply: 515

(a) The child is not abandoned or orphaned, has not been 516  
in the temporary custody of one or more public children services 517  
agencies or private child placing agencies for twelve or more 518  
months of a consecutive twenty-two-month period, or has not been 519  
in the temporary custody of one or more public children services 520  
agencies or private child placing agencies for twelve or more 521  
months of a consecutive twenty-two-month period if, as described 522  
in division (D) (1) of section 2151.413 of the Revised Code, the 523  
child was previously in the temporary custody of an equivalent 524  
agency in another state, and the child cannot be placed with 525  
either of the child's parents within a reasonable time or should 526  
not be placed with the child's parents. 527

(b) The child is abandoned. 528

(c) The child is orphaned, and there are no relatives of 529  
the child who are able to take permanent custody. 530

(d) The child has been in the temporary custody of one or 531  
more public children services agencies or private child placing 532  
agencies for twelve or more months of a consecutive twenty-two- 533  
month period, or the child has been in the temporary custody of 534  
one or more public children services agencies or private child 535  
placing agencies for twelve or more months of a consecutive 536  
twenty-two-month period and, as described in division (D) (1) of 537  
section 2151.413 of the Revised Code, the child was previously 538  
in the temporary custody of an equivalent agency in another 539  
state. 540

(e) The child or another child in the custody of the 541  
parent or parents from whose custody the child has been removed 542  
has been adjudicated an abused, neglected, or dependent child on 543  
three separate occasions by any court in this state or another 544  
state. 545

For the purposes of division (B) (1) of this section, a 546  
child shall be considered to have entered the temporary custody 547  
of an agency on the earlier of the date the child is adjudicated 548  
pursuant to section 2151.28 of the Revised Code or the date that 549  
is sixty days after the removal of the child from home. 550

(2) With respect to a motion made pursuant to division (D) 551  
(2) of section 2151.413 of the Revised Code, the court shall 552  
grant permanent custody of the child to the movant if the court 553  
determines in accordance with division (E) of this section that 554  
the child cannot be placed with one of the child's parents 555  
within a reasonable time or should not be placed with either 556  
parent and determines in accordance with division (D) of this 557  
section that permanent custody is in the child's best interest. 558

(C) In making the determinations required by this section 559  
or division (A) (4) of section 2151.353 of the Revised Code, a 560  
court shall not consider the effect the granting of permanent 561  
custody to the agency would have upon any parent of the child. A 562  
written report of the guardian ad litem of the child shall be 563  
submitted to the court prior to or at the time of the hearing 564  
held pursuant to division (A) of this section or section 2151.35 565  
of the Revised Code but shall not be submitted under oath. 566

If the court grants permanent custody of a child to a 567  
movant under this division, the court, upon the request of any 568  
party, shall file a written opinion setting forth its findings 569  
of fact and conclusions of law in relation to the proceeding. 570

The court shall not deny an agency's motion for permanent custody solely because the agency failed to implement any particular aspect of the child's case plan.

(D) (1) In determining the best interest of a child at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) or (5) of section 2151.353 or division (C) of section 2151.415 of the Revised Code, the court shall consider all relevant factors, including, but not limited to, the following:

(a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;

(b) The wishes of the child, as expressed directly by the child or through the child's guardian ad litem, with due regard for the maturity of the child;

(c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D) (1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

(d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved

without a grant of permanent custody to the agency; 600

(e) Whether any of the factors in divisions (E) (7) to (11) 601  
of this section apply in relation to the parents and child. 602

For the purposes of division (D) (1) of this section, a 603  
child shall be considered to have entered the temporary custody 604  
of an agency on the earlier of the date the child is adjudicated 605  
pursuant to section 2151.28 of the Revised Code or the date that 606  
is sixty days after the removal of the child from home. 607

(2) If all of the following apply, permanent custody is in 608  
the best interest of the child, and the court shall commit the 609  
child to the permanent custody of a public children services 610  
agency or private child placing agency: 611

(a) The court determines by clear and convincing evidence 612  
that one or more of the factors in division (E) of this section 613  
exist and the child cannot be placed with one of the child's 614  
parents within a reasonable time or should not be placed with 615  
either parent. 616

(b) The child has been in an agency's custody for two 617  
years or longer, and no longer qualifies for temporary custody 618  
pursuant to division (D) of section 2151.415 of the Revised 619  
Code. 620

(c) The child does not meet the requirements for a planned 621  
permanent living arrangement pursuant to division (A) (5) of 622  
section 2151.353 of the Revised Code. 623

(d) Prior to the dispositional hearing, no relative or 624  
other interested person has filed, or has been identified in, a 625  
motion for legal custody of the child. 626

(E) In determining at a hearing held pursuant to division 627

(A) of this section or for the purposes of division (A) (4) of 628  
section 2151.353 of the Revised Code whether a child cannot be 629  
placed with either parent within a reasonable period of time or 630  
should not be placed with the parents, the court shall consider 631  
all relevant evidence. If the court determines, by clear and 632  
convincing evidence, at a hearing held pursuant to division (A) 633  
of this section or for the purposes of division (A) (4) of 634  
section 2151.353 of the Revised Code that one or more of the 635  
following exist as to each of the child's parents, the court 636  
shall enter a finding that the child cannot be placed with 637  
either parent within a reasonable time or should not be placed 638  
with either parent: 639

(1) Following the placement of the child outside the 640  
child's home and notwithstanding reasonable case planning and 641  
diligent efforts by the agency to assist the parents to remedy 642  
the problems that initially caused the child to be placed 643  
outside the home, the parent has failed continuously and 644  
repeatedly to substantially remedy the conditions causing the 645  
child to be placed outside the child's home. In determining 646  
whether the parents have substantially remedied those 647  
conditions, the court shall consider parental utilization of 648  
medical, psychiatric, psychological, and other social and 649  
rehabilitative services and material resources that were made 650  
available to the parents for the purpose of changing parental 651  
conduct to allow them to resume and maintain parental duties. 652

(2) Chronic mental illness, chronic emotional illness, 653  
intellectual disability, physical disability, or chemical 654  
dependency of the parent that is so severe that it makes the 655  
parent unable to provide an adequate permanent home for the 656  
child at the present time and, as anticipated, within one year 657  
after the court holds the hearing pursuant to division (A) of 658

this section or for the purposes of division (A) (4) of section 659  
2151.353 of the Revised Code; 660

(3) The parent committed any abuse as described in section 661  
2151.031 of the Revised Code against the child, caused the child 662  
to suffer any neglect as described in section 2151.03 of the 663  
Revised Code, or allowed the child to suffer any neglect as 664  
described in section 2151.03 of the Revised Code between the 665  
date that the original complaint alleging abuse or neglect was 666  
filed and the date of the filing of the motion for permanent 667  
custody; 668

(4) The parent has demonstrated a lack of commitment 669  
toward the child by failing to regularly support, visit, or 670  
communicate with the child when able to do so, or by other 671  
actions showing an unwillingness to provide an adequate 672  
permanent home for the child; 673

(5) The parent is incarcerated for an offense committed 674  
against the child or a sibling of the child; 675

(6) The parent has been convicted of or pleaded guilty to 676  
an offense under division (A) or (C) of section 2919.22 or under 677  
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 678  
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 679  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 680  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 681  
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 682  
Code, and the child or a sibling of the child was a victim of 683  
the offense, or the parent has been convicted of or pleaded 684  
guilty to an offense under section 2903.04 of the Revised Code, 685  
a sibling of the child was the victim of the offense, and the 686  
parent who committed the offense poses an ongoing danger to the 687  
child or a sibling of the child. 688



(7) The parent has been convicted of or pleaded guilty to one of the following:	689 690
(a) An offense under section 2903.01, 2903.02, or 2903.03 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense was a sibling of the child or the victim was another child who lived in the parent's household at the time of the offense;	691 692 693 694 695 696 697
(b) An offense under section 2903.11, 2903.12, or 2903.13 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;	698 699 700 701 702 703 704
(c) An offense under division (B) (2) of section 2919.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense is the victim of the offense;	705 706 707 708 709 710 711
(d) An offense under section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.06 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;	712 713 714 715 716 717 718

(e) An offense under section 2905.32, 2907.21, or 2907.22 719  
of the Revised Code or under an existing or former law of this 720  
state, any other state, or the United States that is 721  
substantially equivalent to the offense described in that 722  
section and the victim of the offense is the child, a sibling of 723  
the child, or another child who lived in the parent's household 724  
at the time of the offense; 725

(f) A conspiracy or attempt to commit, or complicity in 726  
committing, an offense described in division (E) (7) (a), (d), or 727  
(e) of this section. 728

(8) The parent has repeatedly withheld medical treatment 729  
or food from the child when the parent has the means to provide 730  
the treatment or food, and, in the case of withheld medical 731  
treatment, the parent withheld it for a purpose other than to 732  
treat the physical or mental illness or disability of the child 733  
by spiritual means through prayer alone in accordance with the 734  
tenets of a recognized religious body. 735

(9) The parent has placed the child at substantial risk of 736  
harm two or more times due to alcohol or drug abuse and has 737  
rejected treatment two or more times or refused to participate 738  
in further treatment two or more times after a case plan issued 739  
pursuant to section 2151.412 of the Revised Code requiring 740  
treatment of the parent was journalized as part of a 741  
dispositional order issued with respect to the child or an order 742  
was issued by any other court requiring treatment of the parent. 743

(10) The parent has abandoned the child. 744

(11) The parent has had parental rights involuntarily 745  
terminated with respect to a sibling of the child pursuant to 746  
this section or section 2151.353 or 2151.415 of the Revised 747

Code, or under an existing or former law of this state, any 748  
other state, or the United States that is substantially 749  
equivalent to those sections, and the parent has failed to 750  
provide clear and convincing evidence to prove that, 751  
notwithstanding the prior termination, the parent can provide a 752  
legally secure permanent placement and adequate care for the 753  
health, welfare, and safety of the child. 754

(12) The parent is incarcerated at the time of the filing 755  
of the motion for permanent custody or the dispositional hearing 756  
of the child and will not be available to care for the child for 757  
at least eighteen months after the filing of the motion for 758  
permanent custody or the dispositional hearing. 759

(13) The parent is repeatedly incarcerated, and the 760  
repeated incarceration prevents the parent from providing care 761  
for the child. 762

(14) The parent for any reason is unwilling to provide 763  
food, clothing, shelter, and other basic necessities for the 764  
child or to prevent the child from suffering physical, 765  
emotional, or sexual abuse or physical, emotional, or mental 766  
neglect. 767

(15) The parent has committed abuse as described in 768  
section 2151.031 of the Revised Code against the child or caused 769  
or allowed the child to suffer neglect as described in section 770  
2151.03 of the Revised Code, and the court determines that the 771  
seriousness, nature, or likelihood of recurrence of the abuse or 772  
neglect makes the child's placement with the child's parent a 773  
threat to the child's safety. 774

(16) Any other factor the court considers relevant. 775

(F) The court shall not consider a pending proceeding for 776

adoption as described under section 3107.20 of the Revised Code 777  
in determining whether to grant permanent custody of a child 778  
under this section. 779

(G) The parents of a child for whom the court has issued 780  
an order granting permanent custody pursuant to this section, 781  
upon the issuance of the order, cease to be parties to the 782  
action. This division is not intended to eliminate or restrict 783  
any right of the parents to appeal the granting of permanent 784  
custody of their child to a movant pursuant to this section. 785

**Sec. 2937.02.** (A) When, after arrest, the accused is taken 786  
before a court or magistrate, or when the accused appears 787  
pursuant to terms of summons or notice, the affidavit or 788  
complaint being first filed, the court or magistrate shall, 789  
before proceeding further: 790

(1) Inform the accused of the nature of the charge and the 791  
identity of the complainant and permit the accused or counsel 792  
for the accused to see and read the affidavit or complaint or a 793  
copy of the affidavit or complaint; 794

(2) Inform the accused of the right to have counsel and 795  
the right to a continuance in the proceedings to secure counsel; 796

(3) Inform the accused of the effect of pleas of guilty, 797  
not guilty, and no contest, of the right to trial by jury, and 798  
the necessity of making written demand for trial by jury; 799

(4) If the charge is a felony, inform the accused of the 800  
nature and extent of possible punishment on conviction and of 801  
the right to preliminary hearing; 802

(5) If the charge is a violation of section 2907.02 or 803  
2907.03 of the Revised Code, inform the accused that a 804  
conviction of or plea of guilty to the violation may result in 805

the following: 806

(a) In accordance with sections 3109.50 to 3109.507 of the Revised Code, the termination, denial, or limitation, as applicable, of the following: 807  
808  
809

(i) The accused's parental rights with respect to a child conceived as a result of the violation; 810  
811

(ii) The rights of a relative of the accused with respect to a child conceived as a result of the violation. 812  
813

(b) The granting of a petition to adopt a child conceived as a result of the violation without the accused's consent as described in division ~~(F)~~(E) of section 3107.07 of the Revised Code; 814  
815  
816  
817

(c) The termination of the accused's, and the accused's relative's, eligibility to inherit from a child conceived as a result of the violation or the child's lineal descendants pursuant to section 2105.062 of the Revised Code. 818  
819  
820  
821

(B) The court or magistrate may give the information provided pursuant to division (A) of this section to each accused individually, or, if at any time there exists any substantial number of defendants to be arraigned at the same session, the judge or magistrate may, by general announcement or by distribution of printed matter, advise all those accused concerning those rights general in their nature and informing as to individual matters at arraignment. 822  
823  
824  
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829

**Sec. 3107.01.** As used in sections 3107.01 to 3107.19 of the Revised Code: 830  
831

(A) "Abandoned" means the parents of a child have failed to maintain contact with, care for, or support the child for 832  
833

more than ninety days, regardless of whether the parents resume 834  
contact with the child after that ninety-day period. 835

(B) "Adoption" means to create the legal relationship of 836  
parent and child between the petitioner and the adopted person, 837  
as if the adopted person were a legitimate blood descendant of 838  
the petitioner, for all purposes including inheritance and 839  
applicability of statutes, documents, and instruments, whether 840  
executed before or after the adoption is decreed, and which do 841  
not expressly exclude an adopted person from their operation or 842  
effect. 843

(C) "Agency" means any public or private organization 844  
certified, licensed, or otherwise specially empowered by law or 845  
rule to place minors for adoption. 846

~~(B)~~ (D) "Attorney" means a person who has been admitted to 847  
the bar by order of the Ohio supreme court. 848

(E) "Best interest" means the factors a court uses to 849  
determine the best interest of a child as set forth in section 850  
3107.161 of the Revised Code. 851

~~(C)~~ (F) "Child" means a son or daughter, whether by birth 852  
or by adoption. 853

~~(D)~~ (G) "Court" means the probate courts of this state, 854  
and when the context requires, means the court of any other 855  
state empowered to grant petitions for adoption. 856

(H) "Date of placement" means the date on which a child is 857  
living with the child's prospective adoptive parent and becomes 858  
eligible for adoption pursuant to statutory authority, judgment 859  
decree or court order, or as otherwise authorized by law. 860

~~(E)~~ (I) "Foster caregiver" has the same meaning as in 861

section 5103.02 of the Revised Code. 862

~~(F)~~ (J) "Identifying information" means any of the 863  
following with regard to a person: first name, last name, maiden 864  
name, alias, social security number, address, telephone number, 865  
place of employment, number used to identify the person for the 866  
purpose of the statewide education management information system 867  
established pursuant to section 3301.0714 of the Revised Code, 868  
and any other number federal or state law requires or permits to 869  
be used to identify the person. 870

(K) "Kinship caregiver" has the same meaning as in section 871  
5101.85 of the Revised Code. 872

(L) "Legal custodian" has the same meaning as in section 873  
5103.16 of the Revised Code. 874

(M) "Legal custody" has the same meaning as in section 875  
2151.011 of the Revised Code. 876

~~(G)~~ (N) "Minor" means a person under the age of eighteen 877  
years. 878

(O) "Parent" means a legally recognized natural or 879  
adoptive parent of a child. 880

(P) "Party" means a petitioner, adoptee, or any other 881  
person who is part of an adoption proceeding and whose consent 882  
to the adoption is necessary but has not been obtained. 883

(Q) "Permanent custody" has the same meaning as in section 884  
2151.011 of the Revised Code. 885

(R) "Planned permanent living arrangement" has the same 886  
meaning as in section 2151.011 of the Revised Code. 887

~~(H)~~ (S) "Putative father" means a man, including one under 888

age eighteen, who may be a child's father and to whom all of the 889  
following apply: 890

(1) He is not married to the child's mother at the time of 891  
the child's conception or birth; 892

(2) He has not adopted the child; 893

(3) He has not been determined, prior to the date a 894  
petition to adopt the child is filed, to have a parent and child 895  
relationship with the child by a court proceeding pursuant to 896  
sections 3111.01 to 3111.18 of the Revised Code, a court 897  
proceeding in another state, an administrative agency proceeding 898  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 899  
an administrative agency proceeding in another state; 900

(4) He has not acknowledged paternity of the child 901  
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 902

**Sec. 3107.011.** (A) ~~A—Except for an adoption by a~~ 903  
~~stepparent, a grandparent, a grandparent's spouse, adult~~ 904  
~~sibling, a legal custodian, or a guardian, a person~~ seeking to 905  
adopt a minor shall utilize an agency or attorney to arrange the 906  
adoption. Only an agency or attorney may arrange an adoption. An 907  
attorney may not represent with regard to the adoption both the 908  
person seeking to adopt and the parent placing a child for 909  
adoption. 910

Any person may informally aid or promote an adoption by 911  
making a person seeking to adopt a minor aware of a minor who 912  
will be or is available for adoption. 913

(B) A person seeking to adopt a minor who knowingly makes 914  
a false statement that is included in an application submitted 915  
to an agency or attorney to obtain services of that agency or 916  
attorney in arranging an adoption is guilty of the offense of 917



falsification under section 2921.13 of the Revised Code. 918

**Sec. 3107.02.** (A) Any minor may be adopted. 919

(1) A final decree of adoption shall not be issued and an 920  
interlocutory order of adoption does not become final until the 921  
person to be adopted has lived in the adoptive home for at least 922  
six months after placement by an agency, or for at least six 923  
months after the department of job and family services or the 924  
court has been informed of the placement of the person with the 925  
petitioner, and the department or court has had an opportunity 926  
to observe or investigate the adoptive home, or in the case of 927  
adoption by a stepparent, until at least six months after the 928  
filing of the petition, or until the child has lived in the home 929  
for at least six months. 930

(2) In the case of a foster caregiver adopting a foster 931  
child, a person adopting a child to whom the person is related, 932  
a kinship caregiver, a legal custodian, or a guardian adopting a 933  
child, the court shall apply the amount of time the child lived 934  
in the home of the foster caregiver, relative, kinship 935  
caregiver, legal custodian, or guardian prior to the date the 936  
foster caregiver, relative, kinship caregiver, legal custodian, 937  
or guardian files the petition to adopt the child toward the 938  
six-month waiting period established by division (A)(1) of this 939  
section. 940

(B) An adult may be adopted under any of the following 941  
conditions: 942

(1) If the adult is totally or permanently disabled; 943

(2) If the adult is determined to be a person with ~~an~~ 944  
intellectual disability a developmental disability, as defined in 945  
section 5123.01 of the Revised Code; 946

(3) If the adult had established a child-foster caregiver, 947  
kinship caregiver, or child-stepparent relationship with the 948  
petitioners as a minor, ~~and the adult consents to the adoption;~~ 949

(4) If the adult was, at the time of the adult's 950  
eighteenth birthday, in the permanent custody of or in a planned 951  
permanent living arrangement with a public children services 952  
agency or a private child placing agency, ~~and the adult consents~~ 953  
~~to the adoption;~~ 954

(5) If the adult is the child of the spouse of the 955  
petitioner, and the adult consents to the adoption. 956

(C) When proceedings to adopt a minor are initiated by the 957  
filing of a petition, and the eighteenth birthday of the minor 958  
occurs prior to the decision of the court, the court shall 959  
require the person who is to be adopted to submit a written 960  
statement of consent or objection to the adoption. If an 961  
objection is submitted, the petition shall be dismissed, and if 962  
a consent is submitted, the court shall proceed with the case, 963  
and may issue an interlocutory order or final decree of 964  
adoption. 965

~~(D) Any physical examination of the individual to be~~ 966  
~~adopted as part of or in contemplation of a petition to adopt~~ 967  
~~may be conducted by any health professional authorized by the~~ 968  
~~Revised Code to perform physical examinations, including a~~ 969  
~~physician assistant, a clinical nurse specialist, a certified~~ 970  
~~nurse practitioner, or a certified nurse midwife. Any written~~ 971  
~~documentation of the physical examination shall be completed by~~ 972  
~~the healthcare professional who conducted the examination.~~ 973

~~(E)~~An adult who consents to an adoption pursuant to 974  
division (B) (4) of this section shall provide the court with the 975

name and contact information of the public children services 976  
agency or private child placing agency that had permanent 977  
custody of or a planned permanent living arrangement with that 978  
adult. The petitioner shall request verification from the agency 979  
as to whether the adult was or was not in the permanent custody 980  
of or in a planned permanent living arrangement with that agency 981  
at the time of the adult's eighteenth birthday and provide the 982  
verification to the court. 983

~~(F) As used in this section:~~ 984

~~(1) "Developmental disability" has the same meaning as in 985  
section 5123.01 of the Revised Code. 986~~

~~(2) "Kinship caregiver" has the same meaning as in section 987  
5101.85 of the Revised Code. 988~~

~~(3) "Permanent custody" and "planned permanent living 989  
arrangement" have the same meanings as in section 2151.011 of 990  
the Revised Code. 991~~

**Sec. 3107.03.** The following persons may adopt: 992

(A) A husband and wife together, at least one of whom is 993  
an adult; 994

(B) An unmarried adult; 995

~~(C) The unmarried minor parent of the person to be 996  
adopted; 997~~

~~(D) A married adult without the other spouse joining as a 998  
petitioner if any of the following apply: 999~~

(1) The other spouse is a parent of the person to be 1000  
adopted and ~~supports~~ consents to the adoption; 1001

(2) The petitioner and the other spouse are separated 1002

under section 3103.06 or 3105.17 of the Revised Code; 1003

(3) The failure of the other spouse to join in the 1004  
petition or to ~~support~~ consent to the adoption is found by the 1005  
court to be by reason of prolonged unexplained absence, 1006  
unavailability, incapacity, or circumstances that make it 1007  
impossible or unreasonably difficult to obtain either the 1008  
~~support~~ consent or refusal of the other spouse. 1009

**Sec. 3107.04.** (A) A petition for adoption shall be filed 1010  
in the court in the county in which the person to be adopted was 1011  
born, or in which, at the time of filing the petition, the 1012  
petitioner or the person to be adopted or parent of the person 1013  
to be adopted resides, or in which the petitioner is stationed 1014  
in military service, or in which the agency having the permanent 1015  
custody of the person to be adopted is located. 1016

(B) If the court finds in the interest of justice that the 1017  
case should be heard in another forum, the court may stay the 1018  
proceedings or dismiss the petition in whole or in part on any 1019  
conditions that are just, or certify the case to another court. 1020

(C) The caption of a petition for adoption shall be 1021  
styled, "in the matter of adoption of \_\_\_\_\_". The 1022  
person to be adopted shall be designated in the caption under 1023  
the name by which ~~he~~ the person is to be known if the petition is 1024  
granted. 1025

**Sec. 3107.05.** (A) A petition for adoption shall be 1026  
prepared and filed according to the procedure for commencing an 1027  
action under the Rules of Civil Procedure. It shall include the 1028  
following information: 1029

(1) The date and place of birth of the person to be 1030  
adopted, if known; 1031

(2) The name of the person to be adopted, if known;	1032
(3) The name to be used for the person to be adopted;	1033
(4) The date of placement of a minor and the name of the person placing the minor;	1034 1035
(5) The full name, age, place, and duration of residence of the petitioner;	1036 1037
(6) The marital status of the petitioner, including the date and place of marriage, if married;	1038 1039
(7) The relationship to the petitioner of the person to be adopted;	1040 1041
(8) That the petitioner has facilities and resources suitable to provide for the nurture and care of the person to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted;	1042 1043 1044 1045 1046
(9) A description and estimate of value of all property of the person to be adopted;	1047 1048
(10) The name and address, if known, of any person whose consent to the adoption is required, but who has not consented, and facts that explain the lack of the consent normally required to the adoption.	1049 1050 1051 1052
(B) A certified copy of the birth certificate of the person to be adopted, if available, and <del>ordinary copies</del> of the required consents, and relinquishments of consents, if any, shall be filed with the clerk.	1053 1054 1055 1056
<u>Sec. 3107.051. A petition for adoption shall be subject to the placement requirements set forth in section 5103.16 of the</u>	1057 1058

<u>Revised Code.</u>	1059
<b>Sec. <del>3107.051</del> 3107.052.</b> (A) Except as provided in division	1060
(B) of this section, a person seeking to adopt a minor, or the	1061
agency or attorney arranging the adoption, shall submit a	1062
petition for the minor's adoption no later than ninety days	1063
after the date the minor is placed in the person's home. Failure	1064
to file a petition within the time provided by this division	1065
does not affect a court's jurisdiction to hear the petition and	1066
is not grounds for denying the petition.	1067
(B) This section does not apply if any of the following	1068
apply:	1069
(1) The person seeking to adopt the minor is the minor's	1070
stepparent;	1071
(2) The minor was not originally placed in the person's	1072
home with the purpose of the person adopting the minor;	1073
(3) The minor is a "child with special needs," as defined	1074
by the director of job and family services in accordance with	1075
section 5153.163 of the Revised Code.	1076
<b>Sec. 3107.055.</b> (A) (1) Notwithstanding section 3107.01 of	1077
the Revised Code, as used in this section, "agency" does not	1078
include a public children services agency.	1079
(2) As used in this section, "living expenses" means any	1080
of the following expenses incurred by a birth mother:	1081
(a) Rental or mortgage payments;	1082
(b) Utility payments;	1083
(c) Payments for products or services required for the	1084
birth mother's or minor's sustenance or safety including, but	1085

not limited to, food, household goods, personal care items, and 1086  
the costs of transportation to work or school. 1087

(B) An agency or attorney, whichever arranges a minor's 1088  
adoption, shall file with the court a preliminary estimate 1089  
accounting not later than the time the adoption petition for the 1090  
minor is filed with the court. The agency or attorney, whichever 1091  
arranges the adoption, also shall file a final accounting with 1092  
the court before a final decree of adoption is issued or an 1093  
interlocutory order of adoption is finalized for the minor. The 1094  
agency or attorney shall complete and file accountings in a 1095  
manner acceptable to the court. 1096

An accounting shall specify all disbursements of anything 1097  
of value the petitioner, a person on the petitioner's behalf, 1098  
and the agency or attorney made and has agreed to make in 1099  
connection with the minor's permanent surrender under division 1100  
(B) of section 5103.15 of the Revised Code, placement under 1101  
section 5103.16 of the Revised Code, and adoption under this 1102  
chapter. The agency or attorney shall include in an accounting 1103  
an itemization of each expense listed in division (C) of this 1104  
section. The itemization of the expenses specified in divisions 1105  
(C) (3) and (4) of this section shall show the amount the agency 1106  
or attorney charged or is going to charge for the services and 1107  
the actual cost to the agency or attorney of providing the 1108  
services. An accounting shall indicate whether any expenses 1109  
listed in division (C) of this section do not apply to the 1110  
adoption proceeding for which the accounting is filed. 1111

The agency or attorney shall include with a preliminary 1112  
estimate accounting and a final accounting a written statement 1113  
signed by the petitioner that the petitioner has reviewed the 1114  
accounting and attests to its accuracy. 1115

(C) No petitioner, person acting on a petitioner's behalf, 1116  
or agency or attorney shall make or agree to make any 1117  
disbursements in connection with the minor's permanent 1118  
surrender, placement, or adoption other than for the following: 1119

(1) Physician expenses incurred on behalf of the birth 1120  
mother or minor in connection with prenatal care, delivery, and 1121  
confinement prior to or following the minor's birth; 1122

(2) Hospital or other medical facility expenses incurred 1123  
on behalf of the birth mother or minor in connection with the 1124  
minor's birth; 1125

(3) Expenses charged by the attorney arranging the 1126  
adoption for providing legal services in connection with the 1127  
placement and adoption, including expenses incurred by the 1128  
attorney pursuant to sections 3107.031, 3107.032, 3107.081, 1129  
3107.082, 3107.09, 3107.101, and 3107.12 of the Revised Code; 1130

(4) Expenses charged by the agency arranging the adoption 1131  
for providing services in connection with the permanent 1132  
surrender and adoption, including the agency's application fee 1133  
and the expenses incurred by the agency pursuant to sections 1134  
3107.031, 3107.032, 3107.09, 3107.101, 3107.12, 5103.151, and 1135  
5103.152 of the Revised Code; 1136

(5) Temporary costs of routine maintenance and medical 1137  
care for a minor required under section 5103.16 of the Revised 1138  
Code if the person seeking to adopt the minor refuses to accept 1139  
placement of the minor; 1140

(6) Guardian ad litem fees incurred on behalf of the minor 1141  
in any court proceedings; 1142

(7) Foster care expenses incurred in connection with any 1143  
temporary care and maintenance of the minor; 1144



(8) Court expenses incurred in connection with the minor's permanent surrender, placement, and adoption; 1145  
1146

(9) Living expenses not exceeding ~~three~~six thousand dollars for the birth mother that are incurred during pregnancy through the sixtieth day after the date the minor is born and paid by the petitioner to the birth mother through the attorney or agency arranging the minor's adoption. 1147  
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(D) If a court determines from an accounting that an amount that is going to be disbursed for an expense listed in division (C) of this section is unreasonable, the court may order a reduction in the amount to be disbursed. If a court determines from an accounting that an unreasonable amount was disbursed for an expense listed in division (C) of this section, the court may order the person who received the disbursement to refund to the person who made the disbursement an amount the court orders. 1152  
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If a court determines from an accounting that a disbursement for an expense not permitted by division (C) of this section is going to be made, the court may issue an injunction prohibiting the disbursement. If a court determines from an accounting that a disbursement for an expense not permitted by division (C) of this section was made, the court may order the person who received the disbursement to return it to the person who made the disbursement. 1161  
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If a court determines that a final accounting does not completely report all the disbursements that are going to be made or have been made in connection with the minor's permanent surrender, placement, and adoption, the court shall order the agency or attorney to file with the court an accounting that completely reports all such disbursements. 1169  
1170  
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The agency or attorney shall file the final accounting 1175  
with the court not later than ten days prior to the date 1176  
scheduled for the final hearing on the adoption. ~~The~~ Unless good 1177  
cause is shown, the court may shall not issue a final decree of 1178  
adoption or finalize an interlocutory order of adoption of a 1179  
minor until at least ten days after the agency or attorney files 1180  
the final accounting. 1181

(E) An attorney or agency that makes payments for services 1182  
or items that qualify as living expenses under division (C) (9) 1183  
of this section shall make a reasonable and good faith effort to 1184  
make the payments directly to the entity providing the service 1185  
or item. 1186

(F) This section does not apply to an adoption by a 1187  
~~stepparent whose spouse is a biological or adoptive parent of~~ 1188  
~~the minor, a grandparent, a grandparent's spouse, adult sibling,~~ 1189  
a legal custodian, or a guardian. 1190

**Sec. 3107.06.** Unless consent is not required under section 1191  
3107.07 of the Revised Code, a petition to adopt a minor may be 1192  
granted only if written consent to the adoption has been 1193  
executed by all of the following: 1194

(A) ~~The mother of the minor;~~ 1195

~~(B) The father~~ The parents of the minor, including if any 1196  
of the following apply: 1197

(1) The minor was conceived or born while the ~~father was~~ 1198  
~~married to the mother~~ parents were married; 1199

(2) The minor is ~~his~~ the child of the parent by adoption; 1200

(3) Prior to the date the petition was filed, it was 1201  
determined by a court proceeding pursuant to sections 3111.01 to 1202

3111.18 of the Revised Code, a court proceeding in another 1203  
state, an administrative proceeding pursuant to sections 3111.38 1204  
to 3111.54 of the Revised Code, or an administrative proceeding 1205  
in another state that ~~he has~~ a parent and child relationship 1206  
~~with the minor~~exists; 1207

(4) ~~He~~The parent acknowledged paternity of the child and 1208  
that acknowledgment has become final pursuant to section 1209  
2151.232, 3111.25, or 3111.821 of the Revised Code. 1210

~~(C)~~(B) The putative father of the minor; 1211

~~(D)~~(C) Any person or agency having permanent custody of 1212  
the minor or authorized by court order to consent; 1213

~~(E)~~(D) The minor, if more than twelve years of age, 1214  
unless the court, finding that it is in the best interest of the 1215  
minor, determines that the minor's consent is not required. 1216

**Sec. 3107.07.** Consent to adoption is not required of any 1217  
of the following: 1218

(A) A parent of a minor, when it is alleged in the 1219  
adoption petition and the court, after proper service of notice 1220  
and hearing, finds by clear and convincing evidence that the 1221  
parent has failed without justifiable cause to ~~provide~~have more 1222  
than de minimis contact with the minor or to provide for the 1223  
maintenance and support of the minor as required by law or 1224  
judicial decree for a period of at least one year immediately 1225  
preceding either the filing of the adoption petition or the 1226  
placement of the minor in the home of the petitioner. 1227

(B) The putative father of a minor if either of the 1228  
following applies: 1229

(1) The putative father fails to register as the minor's 1230

putative father with the Ohio putative father registry 1231  
~~established under section 3107.062 of the Revised Code in~~ 1232  
~~accordance with rule 5101:2-48-02 of the Ohio Administrative~~ 1233  
~~Code,~~ not later than fifteen days after the minor's birth; 1234

(2) The court finds, after proper service of notice and 1235  
hearing, that any of the following are the case: 1236

(a) The putative father is not the father of the minor; 1237

(b) The putative father has willfully abandoned or failed 1238  
to care for and support the minor; 1239

(c) The putative father has willfully abandoned the mother 1240  
of the minor during her pregnancy and up to the time of her 1241  
surrender of the minor, or the minor's placement in the home of 1242  
the petitioner, whichever occurs first. 1243

(C) ~~Except as provided in section 3107.071 of the Revised~~ 1244  
~~Code,~~ a A parent who has entered into a properly executed 1245  
voluntary permanent custody surrender agreement under division 1246  
(B) of section 5103.15 of the Revised Code; 1247

(D) A parent whose parental rights have been terminated by 1248  
order of a juvenile court under Chapter 2151. of the Revised 1249  
Code or by any other court of competent jurisdiction; 1250

(E) ~~A parent who is married to the petitioner and supports~~ 1251  
~~the adoption;~~ 1252

~~(F)~~The father, putative father, or mother, of a minor if 1253  
the minor is conceived as the result of the commission of rape 1254  
or sexual battery by the father, putative father, or mother and 1255  
the father, putative father, or mother is convicted of or pleads 1256  
guilty to the commission of that offense. As used in this 1257  
division, "rape" means a violation of section 2907.02 of the 1258

Revised Code or a similar law of another state and "sexual 1259  
battery" means a violation of section 2907.03 of the Revised 1260  
Code or a similar law of another state. 1261

~~(G)~~ (F) A legal guardian or guardian ad litem of a parent 1262  
judicially declared incompetent in a separate court proceeding 1263  
who has failed to respond in writing to a request for consent, 1264  
for a period of thirty days, or who, after examination of the 1265  
~~written~~ reasons for withholding consent, is found by the court 1266  
to be withholding consent unreasonably; 1267

~~(H)~~ (G) ~~Any legal guardian or lawful custodian agency~~ 1268  
~~having permanent custody of the person to be adopted, other than~~ 1269  
~~a parent, who has failed to respond in writing to a request for~~ 1270  
~~consent, for a period of thirty days, or~~ who, after examination 1271  
of the ~~written~~ reasons for withholding consent, is found by the 1272  
court to be withholding consent unreasonably; 1273

~~(I)~~ ~~The spouse of the person to be adopted, if the failure~~ 1274  
~~of the spouse to consent to the adoption is found by the court~~ 1275  
~~to be by reason of prolonged unexplained absence,~~ 1276  
~~unavailability, incapacity, or circumstances that make it~~ 1277  
~~impossible or unreasonably difficult to obtain the consent or~~ 1278  
~~refusal of the spouse;~~ 1279

~~(J)~~ (H) Any parent, legal guardian, or other lawful 1280  
custodian in a foreign country, if the person to be adopted has 1281  
been released for adoption pursuant to the laws of the country 1282  
in which the person resides and the release of such person is in 1283  
a form that satisfies the requirements of the citizenship and 1284  
~~immigration and naturalization service services~~ of the United 1285  
States department of ~~justice~~ homeland security for purposes of 1286  
immigration to the United States pursuant to section 101(b)(1) 1287  
(F) of the "Immigration and Nationality Act," 75 Stat. 650 1288

(1961), 8 U.S.C. 1101(b) (1) (F), as amended or reenacted. 1289

~~(K)~~ (I) Except as provided in divisions ~~(G)~~ (F) and ~~(H)~~ (G) of this section, a juvenile court, agency, or person given notice of the petition pursuant to division (A) (1) of section 3107.11 of the Revised Code that fails to ~~file an objection to the petition within fourteen days after proof is filed pursuant to division (B) of that section that the notice was given~~ appear at the hearing and object to the petition for adoption; 1290  
1291  
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(J) A parent who has been convicted of or pleaded guilty to an offense that resulted in the death of any of the following: 1297  
1298  
1299

(1) The minor's other parent, legal custodian, or guardian; 1300  
1301

(2) The minor's grandparent who is the minor's primary caregiver. 1302  
1303

~~(L) Any guardian, custodian, or other party who has temporary custody of the child.~~ 1304  
1305

**Sec. 3107.08.** (A) The required consent to adoption may be executed at any time after seventy-two hours after the birth of a minor, and shall be executed in the following manner: 1306  
1307  
1308

(1) If by the person to be adopted, whether a minor or an adult, in the presence of the court; 1309  
1310

(2) If by a parent of the person to be adopted, in accordance with section 3107.081 of the Revised Code; 1311  
1312

(3) If by an agency, by the executive head or other authorized representative, in the presence of a person authorized to take acknowledgments; 1313  
1314  
1315

(4) If by any other person, in the presence of the court 1316  
or in the presence of a person authorized to take 1317  
acknowledgments; 1318

(5) If by a juvenile court, by appropriate order. 1319

(B) A consent which does not name or otherwise identify 1320  
the prospective adoptive parent is valid if it contains a 1321  
statement by the person giving consent that it was voluntarily 1322  
executed irrespective of disclosure of the name or other 1323  
identification of the prospective adoptive parent. 1324

**Sec. 3107.082.** Not less than seventy-two hours prior to 1325  
the date a parent executes consent to the adoption of the 1326  
parent's child under section 3107.081 of the Revised Code, an 1327  
assessor shall meet in person with the parent and do both of the 1328  
following unless the child is to be adopted by a stepparent,  1329  
adult sibling, or grandparent or the parent resides in another 1330  
state: 1331

(A) Provide the parent with a copy of the written 1332  
materials about adoption prepared under division (C) of section 1333  
3107.083 of the Revised Code, discuss with the parent the 1334  
adoption process and ramifications of a parent consenting to a 1335  
child's adoption, and provide the parent the opportunity to 1336  
review the materials and to ask questions about the materials, 1337  
discussion, and related matters; 1338

(B) If the child, if adopted, will be an adopted person as 1339  
defined in section 3107.45 of the Revised Code, inform the 1340  
parent that the child and the adoptive parent may receive, in 1341  
accordance with section 3107.47 of the Revised Code, identifying 1342  
information about the parent that is contained in the child's 1343  
adoption file maintained by the department of health unless the 1344

parent checks the "no" space provided on the component of the 1345  
form prescribed under division (A) (1) (b) of section 3107.083 of 1346  
the Revised Code or signs and has filed with the department a 1347  
denial of release form prescribed under section 3107.50 of the 1348  
Revised Code. 1349

**Sec. 3107.083.** The director of job and family services 1350  
shall do all of the following: 1351

(A) (1) For a parent of a child who, if adopted, will be an 1352  
adopted person as defined in section 3107.45 of the Revised 1353  
Code, prescribe a form that has the following six components: 1354

(a) A component the parent signs under section ~~3107.071,~~ 1355  
3107.081~~7~~ or 5103.151 of the Revised Code to indicate the 1356  
requirements of section 3107.082 or 5103.152 of the Revised Code 1357  
have been met. The component shall be as follows: 1358

"Statement Concerning Ohio Law and Adoption Materials 1359

By signing this component of this form, I acknowledge that 1360  
it has been explained to me, and I understand, that, if I check 1361  
the space on the next component of this form that indicates that 1362  
I authorize the release, the adoption file maintained by the 1363  
Ohio Department of Health, which contains identifying 1364  
information about me at the time of my child's birth, will be 1365  
released, on request, to the adoptive parent when the adoptee is 1366  
at least age eighteen but younger than age twenty-one and to the 1367  
adoptee when he or she is age twenty-one or older. It has also 1368  
been explained to me, and I understand, that I may prohibit the 1369  
release of identifying information about me contained in the 1370  
adoption file by checking the space on the next component of 1371  
this form that indicates that I do not authorize the release of 1372  
the identifying information. It has additionally been explained 1373



to me, and I understand, that I may change my mind regarding the 1374  
decision I make on the next component of this form at any time 1375  
and as many times as I desire by signing, dating, and having 1376  
filed with the Ohio Department of Health a denial of release 1377  
form or authorization of release form prescribed and provided by 1378  
the Department of Health and providing the Department two items 1379  
of identification. 1380

By signing this component of this form, I also acknowledge 1381  
that I have been provided a copy of written materials about 1382  
adoption prepared by the Ohio Department of Job and Family 1383  
Services, the adoption process and ramifications of consenting 1384  
to adoption or entering into a voluntary permanent custody 1385  
surrender agreement have been discussed with me, and I have been 1386  
provided the opportunity to review the materials and ask 1387  
questions about the materials and discussion. 1388

Signature of biological parent: \_\_\_\_\_ 1389

Signature of witness: \_\_\_\_\_ 1390

Date: \_\_\_\_\_" 1391

(b) A component the parent signs under section ~~3107.071,~~ 1392  
3107.081, or 5103.151 of the Revised Code regarding the parent's 1393  
decision whether to allow identifying information about the 1394  
parent contained in an adoption file maintained by the 1395  
department of health to be released to the parent's child and 1396  
adoptive parent pursuant to section 3107.47 of the Revised Code. 1397  
The component shall be as follows: 1398

"Statement Regarding Release of Identifying Information 1399

The purpose of this component of this form is to allow a 1400  
biological parent to decide whether to allow the Ohio Department 1401  
of Health to provide an adoptee and adoptive parent identifying 1402

information about the adoptee's biological parent contained in 1403  
an adoption file maintained by the Department. Please check one 1404  
of the following spaces: 1405

\_\_\_\_\_ YES, I authorize the Ohio Department of Health to 1406  
release identifying information about me, on request, to the 1407  
adoptive parent when the adoptee is at least age eighteen but 1408  
younger than age twenty-one and to the adoptee when he or she is 1409  
age twenty-one or older. 1410

\_\_\_\_\_ NO, I do not authorize the release of identifying 1411  
information about me to the adoptive parent or adoptee. 1412

Signature of biological parent: \_\_\_\_\_ 1413

Signature of witness: \_\_\_\_\_ 1414

Date: \_\_\_\_\_ " 1415

(c) A component the parent, if the mother of the child, 1416  
completes and signs under section ~~3107.071~~, 3107.081, or 1417  
5103.151 of the Revised Code to indicate, to the extent of the 1418  
mother's knowledge, all of the following: 1419

(i) Whether the mother, during her pregnancy, was a 1420  
recipient of the medicaid program or other public health 1421  
insurance program and, if so, the dates her eligibility began 1422  
and ended; 1423

(ii) Whether the mother, during her pregnancy, was covered 1424  
by private health insurance and, if so, the dates the coverage 1425  
began and ended, the name of the insurance provider, the type of 1426  
coverage, and the identification number of the coverage; 1427

(iii) The name and location of the hospital, freestanding 1428  
birthing center, or other place where the mother gave birth and, 1429  
if different, received medical care immediately after giving 1430

birth;	1431
(iv) The expenses of the obstetrical and neonatal care;	1432
(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement, and, if so, what expenses are to be or have been paid and an estimate of the expenses;	1433 1434 1435 1436 1437 1438
(vi) Any other information related to expenses the department determines appropriate to be included in this component.	1439 1440 1441
(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.	1442 1443 1444 1445 1446
(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.	1447 1448 1449 1450
(f) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.	1451 1452 1453 1454
(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.	1455 1456
(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children	1457 1458

services agencies, private child placing agencies, private 1459  
noncustodial agencies, attorneys, and persons authorized to take 1460  
acknowledgments. 1461

(B) (1) For a parent of a child who, if adopted, will 1462  
become an adopted person as defined in section 3107.38 of the 1463  
Revised Code, prescribe a form that has the following five 1464  
components: 1465

(a) A component the parent signs under section ~~3107.071,~~ 1466  
~~3107.081,~~ or 5103.151 of the Revised Code to attest that the 1467  
requirement of division (A) of section 3107.082 or division (A) 1468  
of section 5103.152 of the Revised Code has been met; 1469

(b) A component the parent, if the mother of the child, 1470  
completes and signs under section ~~3107.071,~~ 3107.081, or 1471  
5103.151 of the Revised Code to indicate, to the extent of the 1472  
mother's knowledge, all of the following: 1473

(i) Whether the mother, during her pregnancy, was a 1474  
recipient of the medicaid program or other public health 1475  
insurance program and, if so, the dates her eligibility began 1476  
and ended; 1477

(ii) Whether the mother, during her pregnancy, was covered 1478  
by private health insurance and, if so, the dates the coverage 1479  
began and ended, the name of the insurance provider, the type of 1480  
coverage, and the identification number of the coverage; 1481

(iii) The name and location of the hospital, freestanding 1482  
birthing center, or other place where the mother gave birth and, 1483  
if different, received medical care immediately after giving 1484  
birth; 1485

(iv) The expenses of the obstetrical and neonatal care; 1486

(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement for, and, if so, what expenses are to be or have been paid and an estimate of the expenses;	1487 1488 1489 1490 1491 1492
(vi) Any other information related to expenses the department determines appropriate to be included in the component.	1493 1494 1495
(c) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.	1496 1497 1498 1499 1500
(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.	1501 1502 1503 1504
(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.	1505 1506 1507 1508
(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.	1509 1510
(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies, private child placing agencies, private noncustodial agencies, attorneys, and persons authorized to take acknowledgments.	1511 1512 1513 1514 1515

(C) Prepare the written materials about adoption that are 1516  
required to be given to parents under division (A) of section 1517  
3107.082 and division (A) of section 5103.152 of the Revised 1518  
Code. The materials shall provide information about the adoption 1519  
process, including ramifications of a parent consenting to a 1520  
child's adoption or entering into a voluntary permanent custody 1521  
surrender agreement. The materials also shall include referral 1522  
information for professional counseling and adoption support 1523  
organizations. The director shall provide the materials to 1524  
assessors. 1525

(D) Adopt rules in accordance with Chapter 119. of the 1526  
Revised Code specifying the documents that must be filed with a 1527  
probate court under divisions (B) and (D) of section 3107.081 of 1528  
the Revised Code and a juvenile court under divisions (C) and 1529  
(E) of section 5103.151 of the Revised Code. 1530

**Sec. 3107.084.** (A) A consent to adoption is irrevocable 1531  
and cannot be withdrawn after ~~the entry of an interlocutory~~ 1532  
~~order or after the entry of a~~ or final decree of adoption ~~when~~ 1533  
~~no interlocutory order has been entered.~~ The consent of a minor 1534  
is not voidable by reason of the minor's age. 1535

(B) A consent to adoption may be withdrawn prior to the 1536  
entry of an interlocutory order or prior to the entry of a final 1537  
decree of adoption ~~when no interlocutory order has been entered~~ 1538  
if the court finds after hearing that the withdrawal is in the 1539  
best interest of the person to be adopted and the court by order 1540  
authorizes the withdrawal of consent. Notice of the hearing 1541  
shall be given to the petitioner, the person seeking the 1542  
withdrawal of consent, and the agency placing the minor for 1543  
adoption. 1544

**Sec. 3107.11.** (A) After the filing of a petition to adopt 1545

an adult or a minor, the court shall fix a time and place for 1546  
hearing the petition. The hearing may take place at any time 1547  
~~more not earlier~~ than thirty days after the date on which the 1548  
minor is placed in the home of the petitioner. At least twenty 1549  
days before the date of hearing, notice of the filing of the 1550  
petition and of the time and place of hearing shall be given by 1551  
the court to all of the following: 1552

(1) Any juvenile court, agency, or person whose consent to 1553  
the adoption is required by this chapter but who has not 1554  
consented; 1555

(2) A person whose consent is not required as provided by 1556  
division (A), (F), or (G), ~~(H), or (I)~~ of section 3107.07 of the 1557  
Revised Code and has not consented; 1558

(3) Any guardian, legal custodian, or other party who has 1559  
temporary custody, or any agency that has permanent custody, of 1560  
the child; 1561

(4) Any guardian ad litem of the adult or minor. 1562

Notice shall not be given to a person whose consent is not 1563  
required as provided by division (B), (C), (D), (E), ~~(F), (G),~~ 1564  
or ~~(J) (H)~~ of section 3107.07, ~~or section 3107.071,~~ of the 1565  
Revised Code. Second notice shall not be given to a juvenile 1566  
court, agency, or person whose consent is not required as 1567  
provided by division ~~(K) (I)~~ of section 3107.07 of the Revised 1568  
Code because the court, agency, or person failed to ~~file an~~ 1569  
~~objection to the petition within fourteen days appear at the~~ 1570  
hearing and object to the petition for adoption after proof was 1571  
filed pursuant to division (B) of this section that a first 1572  
notice was given to the court, agency, or person pursuant to 1573  
division (A) (1) of this section. 1574

(B) Upon the filing of a petition for adoption that 1575  
alleges that a parent has failed without justifiable cause to 1576  
~~provide~~ have more than de minimis contact with the minor or to 1577  
provide for the maintenance and support of the minor, the clerk 1578  
of courts shall send a notice to that parent with the following 1579  
language in boldface type and in all capital letters: 1580

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU 1581  
OF ALL PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT 1582  
TO CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF 1583  
THE ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE 1584  
ALL LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE 1585  
MINOR'S OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A 1586  
STRANGER TO YOU AND THE MINOR'S FORMER RELATIVES FOR ALL 1587  
PURPOSES, WITH THE EXCEPTION OF DIVISION (A) (1) (b) OF SECTION 1588  
3107.15 OF THE REVISED CODE. 1589

~~IF YOU WISH OBJECT TO CONTEST THE ADOPTION, YOU MUST FILE- 1590  
AN OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF 1591  
SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME 1592  
AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE 1593  
ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF 1594  
ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE 1595  
ADOPTION PETITION OR APPEAR AT THE HEARING. 1596~~

RIGHT TO AN ATTORNEY: YOU HAVE A RIGHT TO BE REPRESENTED 1597  
BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO EMPLOY 1598  
COUNSEL, YOU ARE ENTITLED TO HAVE COUNSEL PROVIDED FOR YOU 1599  
PURSUANT TO CHAPTER 120. OF THE REVISED CODE. YOU MUST CONTACT 1600  
THE COURT ON RECEIPT OF THIS NOTICE IF YOU ARE REQUESTING 1601  
APPOINTED COUNSEL" 1602

(C) All notices required under this section shall be given 1603  
as specified in the Rules of Civil Procedure. Proof of the 1604



giving of notice shall be filed with the court before the 1605  
petition is heard. 1606

**Sec. 3107.12.** (A) Except as provided in division ~~(B)~~(C) 1607  
of this section, an assessor shall conduct a prefinalization 1608  
assessment of a minor and petitioner before a court issues a 1609  
final decree of adoption or finalizes an interlocutory order of 1610  
adoption for the minor. On completion of the assessment, the 1611  
assessor shall prepare a written report of the assessment and 1612  
provide a copy of the report to the court before which the 1613  
adoption petition is pending. 1614

The report of a prefinalization assessment shall include 1615  
all of the following: 1616

(1) The adjustment of the minor and the petitioner to the 1617  
adoptive placement; 1618

(2) The present and anticipated needs of the minor and the 1619  
petitioner, as determined by a review of the minor's medical and 1620  
social history, for adoption-related services, including 1621  
assistance under Title IV-E of the "Social Security Act," 94 1622  
Stat. 501 (1980), 42 U.S.C.A. 670, as amended, or section 1623  
5153.163 of the Revised Code and counseling, case management 1624  
services, crisis services, diagnostic services, and therapeutic 1625  
counseling. 1626

(3) The physical, mental, and developmental condition of 1627  
the minor; 1628

(4) If known, the minor's biological family background, 1629  
including identifying information about the biological or other 1630  
legal parents; 1631

(5) The reasons for the minor's placement with the 1632  
petitioner, the petitioner's attitude toward the proposed 1633

adoption, and the circumstances under which the minor was placed 1634  
in the home of the petitioner; 1635

(6) The attitude of the minor toward the proposed 1636  
adoption, if the minor's age makes this feasible; 1637

(7) If the minor is an Indian child, as defined in 25 1638  
U.S.C.A. 1903(4), how the placement complies with the "Indian 1639  
Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as 1640  
amended; 1641

(8) If known, the minor's psychological background, 1642  
including prior abuse of the child and behavioral problems of 1643  
the child; 1644

(9) If applicable, the documents or forms required under 1645  
sections 3107.032, 3107.10, and 3107.101 of the Revised Code. 1646

The assessor shall file the prefinalization report with 1647  
the court not later than twenty days prior to the date scheduled 1648  
for the final hearing on the adoption unless the court 1649  
determines there is good cause for filing the report at a later 1650  
date. 1651

The assessor shall provide a copy of the written report of 1652  
the assessment to the petitioner with the identifying 1653  
information about the biological or other legal parents 1654  
redacted. 1655

(B) Any physical examination of the individual to be 1656  
adopted as part of or in contemplation of a petition to adopt 1657  
may be conducted by any health care professional authorized by 1658  
the Revised Code to perform physical examinations, including a 1659  
physician assistant, a clinical nurse specialist, a certified 1660  
nurse practitioner, or a certified nurse-midwife. Any written 1661  
documentation of the physical examination shall be completed by 1662

the health care professional who conducted the examination. 1663

(C) This section does not apply if the petitioner is the 1664  
minor's stepparent, unless a court, after determining a 1665  
prefinalization assessment is in the best interest of the minor, 1666  
orders that an assessor conduct a prefinalization assessment. 1667

~~(C)~~ (D) The director of job and family services shall 1668  
adopt rules in accordance with Chapter 119. of the Revised Code 1669  
defining "counseling," "case management services," "crisis 1670  
services," "diagnostic services," and "therapeutic counseling" 1671  
for the purpose of this section. 1672

**Sec. 3107.14.** (A) The petitioner and the person sought to 1673  
be adopted shall appear at the hearing on the petition, unless 1674  
the presence of either is excused by the court for good cause 1675  
shown. 1676

(B) The court may continue the hearing from time to time 1677  
to permit further observation, investigation, or consideration 1678  
of any facts or circumstances affecting the granting of the 1679  
petition, and may examine the petitioners separate and apart 1680  
from each other. 1681

(C) ~~If, at the conclusion of the hearing,~~ the court finds 1682  
that the required consents have been obtained or ~~excused~~ are not 1683  
necessary and that the adoption is in the best interest of the 1684  
person sought to be adopted ~~as supported by the evidence,~~ it may 1685  
issue, ~~subject to division (C) (1) of section 2151.86, section~~ 1686  
~~3107.064, and division (E) of section 3107.09 of the Revised~~ 1687  
~~Code, and any other limitations specified in this chapter,~~ a 1688  
final decree of adoption or an interlocutory order of adoption, ~~—~~ 1689  
~~which by its own terms that~~ automatically becomes a final decree 1690  
of adoption on a date specified in the order, ~~which, except~~ . 1691

~~Except as provided in division (B) (A) (2) of section 3107.13-~~ 1692  
~~3107.02 of the Revised Code, the final decree shall not be~~ 1693  
~~issued less than six months or more than one year from the date~~ 1694  
~~the person to be adopted is placed of placement of the person to~~ 1695  
~~be adopted in the petitioner's home, unless sooner vacated by~~ 1696  
~~the court for good cause shown. In determining whether the~~ 1697  
~~adoption is in the best interest of the person sought to be~~ 1698  
~~adopted, the court shall not consider the age of the petitioner-~~ 1699  
~~if the petitioner is old enough to adopt as provided by section-~~ 1700  
~~3107.03 of the Revised Code.~~ 1701

The issuance of a final decree of adoption or an 1702  
interlocutory order for adoption is subject to division (C) (1) 1703  
of section 2151.86, section 3107.064, and division (E) of 1704  
section 3107.09 of the Revised Code, and any other limitations 1705  
specified in this chapter. 1706

In an interlocutory order of adoption, the court shall 1707  
provide for observation, investigation, and a further report on 1708  
the adoptive home during the interlocutory period. 1709

(D) If the The court shall dismiss the petition and 1710  
determine whether to certify the case to the juvenile court of 1711  
the county where the minor is then residing for appropriate 1712  
action and disposition if it finds any of the following: 1713

(1) The requirements for a decree under division (C) of 1714  
this section have not been satisfied or the; 1715

(2) The court vacates an interlocutory order of adoption, 1716  
or if the court finds that a 1717

(3) A person sought to be adopted was placed in the home 1718  
of the petitioner in violation of law, the court shall dismiss- 1719  
the petition and may determine the agency or person to have- 1720

~~temporary or permanent custody of the person, which may include~~ 1721  
~~the agency or person that had custody prior to the filing of the~~ 1722  
~~petition or the petitioner, if the court finds it is in the best~~ 1723  
~~interest of the person as supported by the evidence, or if the~~ 1724  
~~person is a minor, the court may certify the case to the~~ 1725  
~~juvenile court of the county where the minor is then residing~~ 1726  
~~for appropriate action and disposition.~~ 1727

(E) The issuance of a final decree or interlocutory order 1728  
of adoption for an adult adoption under division ~~(A) (4)~~ (B) (4) 1729  
of section 3107.02 of the Revised Code shall not disqualify that 1730  
adult for services under section 2151.82 or 2151.83 of the 1731  
Revised Code. 1732

**Sec. 3107.16.** (A) Appeals from the probate court are 1733  
subject to the Rules of Appellate Procedure and, to the extent 1734  
not in conflict with those rules, Chapter 2505. of the Revised 1735  
Code. Unless there is good cause for delay, appeals shall be 1736  
heard on an expedited basis. 1737

(B) ~~Subject~~ Except as provided in division (C) of this 1738  
section and subject to the disposition of an appeal, upon the 1739  
expiration of six months after an adoption decree is issued, the 1740  
decree cannot be ~~questioned~~ vacated by the court upon a motion 1741  
by any person, including the petitioner, in any manner or upon 1742  
any ground, including fraud, misrepresentation, failure to give 1743  
any required notice, or lack of jurisdiction of the parties or 1744  
of the subject matter, unless, in the case of the adoption of a 1745  
minor, the petitioner has not taken custody of the minor, or, in 1746  
the case of the adoption of a minor by a stepparent, the 1747  
adoption would not have been granted but for fraud perpetrated 1748  
by the petitioner or the petitioner's spouse, or, in the case of 1749  
the adoption of an adult, the adult had no knowledge of the 1750

decree within the six-month period. 1751

(C) The court may revisit the adoption decree concerning a 1752  
child who was a victim of trafficking in persons upon a motion 1753  
by any person. 1754

**Sec. 3107.161.** (A) As used in this section, "the least 1755  
detrimental available alternative" means the alternative that 1756  
would have the least long-term negative impact on the child. 1757

(B) When a court makes a determination in a contested 1758  
adoption concerning the best interest of a child, the court 1759  
shall consider all relevant factors including, but not limited 1760  
to, all of the following: 1761

(1) The least detrimental available alternative for 1762  
safeguarding the child's growth and development; 1763

(2) The age and health of the child at the time the best 1764  
interest determination is made and, if applicable, at the time 1765  
the child was removed from the home; 1766

(3) The wishes of the child in any case in which the 1767  
child's age and maturity makes this feasible; 1768

(4) The duration of the separation of the child from a 1769  
parent; 1770

(5) Whether the child will be able to enter into a more 1771  
stable and permanent family relationship, taking into account 1772  
the conditions of the child's current placement, the likelihood 1773  
of future placements, and the results of prior placements; 1774

(6) The likelihood of safe reunification with a parent 1775  
within a reasonable period of time; 1776

(7) The importance of providing permanency, stability, and 1777

continuity of relationships for the child;	1778
(8) The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest;	1779 1780 1781
(9) The child's adjustment to the child's current home, school, and community;	1782 1783
(10) The mental and physical health of all persons involved in the situation;	1784 1785
(11) Whether any person involved in the situation has been convicted of, pleaded guilty to, or accused of any criminal offense involving any act that resulted in a child being abused or neglected; whether the person, in a case in which a child has been adjudicated to be an abused or neglected child, has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether the person has been convicted of, pleaded guilty to, or accused of a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the person's family or household; and whether the person has been convicted of, pleaded guilty to, or accused of any offense involving a victim who at the time of the commission of the offense was a member of the person's family or household and caused physical harm to the victim in the commission of the offense.	1786 1787 1788 1789 1790 1791 1792 1793 1794 1795 1796 1797 1798 1799 1800 1801
(C) <u>When a court makes a determination in a contested adoption concerning the best interest of a child, the court shall not consider the age of the petitioner, if the petitioner is authorized to adopt under section 3107.03 of the Revised Code.</u>	1802 1803 1804 1805 1806

~~A person who contests an adoption (D) The petitioner has~~ 1807  
the burden of ~~providing the court material evidence needed to~~ 1808  
~~determine what is in proving~~ the best interest of the child ~~and~~ 1809  
~~must establish that the child's current placement is not the~~ 1810  
~~least detrimental available alternative~~ by a preponderance of the 1811  
evidence. 1812

**Sec. 3107.17.** (A) All hearings held under sections 3107.01 1813  
to 3107.19 of the Revised Code shall be held in closed court 1814  
without the admittance of any person other than essential 1815  
officers of the court, the parties, the witnesses of the 1816  
parties, counsel, persons who have not previously consented to 1817  
an adoption but who are required to consent, ~~and~~ representatives 1818  
of the agencies present to perform their official duties, and 1819  
any other persons the court deems appropriate. 1820

(B) (1) Except as provided in divisions (B) (2) and (D) of 1821  
this section, sections 3107.38 and 3107.381, and sections 1822  
3107.60 to 3107.68 of the Revised Code, no person or 1823  
governmental entity shall knowingly reveal any information 1824  
contained in a paper, book, or record pertaining to an adoption 1825  
that is part of the permanent record of a court or maintained by 1826  
the department of job and family services, an agency, or 1827  
attorney without the consent of a court. 1828

(2) An agency or attorney may examine the agency's or 1829  
attorney's own papers, books, and records pertaining to an 1830  
adoption without a court's consent for official administrative 1831  
purposes. The department of job and family services may examine 1832  
its own papers, books, and records pertaining to an adoption, or 1833  
such papers, books, and records of an agency, without a court's 1834  
consent for official administrative, certification, and 1835  
eligibility determination purposes. 1836



(C) The petition, the interlocutory order, the final  
decree of adoption, and other adoption proceedings shall be  
recorded in a book or by other electronic means and kept for  
such purposes and shall be separately indexed. The book or  
electronic record shall be a part of the records of the court,  
and all consents, affidavits, and other papers shall be properly  
filed.

(D) All forms that pertain to the social or medical  
histories of the biological parents of an adopted person and  
that were completed pursuant to section 3107.09, 3107.091, or  
3107.393 of the Revised Code shall be filed only in the  
permanent record kept by the court. During the minority of the  
adopted person, only the adoptive parents of the person may  
inspect the forms. When an adopted person reaches majority, only  
the adopted person may inspect the forms. Under the  
circumstances described in this division, an adopted person or  
the adoptive parents are entitled to inspect the forms upon  
requesting the clerk of the court to produce them.

(E) (1) The department of job and family services shall  
prescribe a form that permits any person who is authorized by  
division (D) of this section to inspect forms that pertain to  
the social or medical histories of the biological parents and  
that were completed pursuant to section 3107.09, 3107.091, or  
3107.393 of the Revised Code to request notice if any correction  
or expansion of either such history, made pursuant to division  
(D) of section 3107.09 of the Revised Code, is made a part of  
the permanent record kept by the court. The form shall be  
designed to facilitate the provision of the information and  
statements described in division (E) (3) of this section. The  
department shall provide copies of the form to each court. A  
court shall provide a copy of the request form to each adoptive

parent when a final decree of adoption is entered and shall 1868  
explain to each adoptive parent at that time that an adoptive 1869  
parent who completes and files the form will be notified of any 1870  
correction or expansion of either the social or medical history 1871  
of the biological parents of the adopted person made during the 1872  
minority of the adopted person that is made a part of the 1873  
permanent record kept by the court, and that, during the adopted 1874  
person's minority, the adopted person may inspect the forms that 1875  
pertain to those histories. Upon request, the court also shall 1876  
provide a copy of the request form to any adoptive parent during 1877  
the minority of the adopted person and to an adopted person who 1878  
has reached the age of majority. 1879

(2) Any person who is authorized to inspect forms pursuant 1880  
to division (D) of this section who wishes to be notified of 1881  
corrections or expansions pursuant to division (D) of section 1882  
3107.09 of the Revised Code that are made a part of the 1883  
permanent record kept by the court shall file with the court, on 1884  
a copy of the form prescribed by the department of job and 1885  
family services pursuant to division (E)(1) of this section, a 1886  
request for such notification that contains the information and 1887  
statements required by division (E)(3) of this section. A 1888  
request may be filed at anytime if the person who files the 1889  
request is authorized at that time to inspect forms that pertain 1890  
to the social or medical histories. 1891

(3) A request for notification as described in division 1892  
(E)(2) of this section shall contain all of the following 1893  
information: 1894

(a) The adopted person's name and mailing address at that 1895  
time; 1896

(b) The name of each adoptive parent, and if the adoptive 1897

person is a minor at the time of the filing of the request, the 1898  
mailing address of each adoptive parent at that time; 1899

(c) The adopted person's date of birth; 1900

(d) The date of entry of the final decree of adoption; 1901

(e) A statement requesting the court to notify the person 1902  
who files the request, at the address provided in the request, 1903  
if any correction or expansion of either the social or medical 1904  
history of the biological parents is made a part of the 1905  
permanent record kept by the court; 1906

(f) A statement that the person who files the request is 1907  
authorized, at the time of the filing, to inspect the forms that 1908  
pertain to the social and medical histories of the biological 1909  
parents; 1910

(g) The signature of the person who files the request. 1911

(4) Upon the filing of a request for notification in 1912  
accordance with division (E) (2) of this section, the clerk of 1913  
the court in which it is filed immediately shall insert the 1914  
request in the permanent record of the case. A person who has 1915  
filed the request and who wishes to update it with respect to a 1916  
new mailing address may inform the court in writing of the new 1917  
address. Upon its receipt, the court promptly shall insert the 1918  
new address into the permanent record by attaching it to the 1919  
request. Thereafter, any notification described in this division 1920  
shall be sent to the new address. 1921

(5) Whenever a social or medical history of a biological 1922  
parent is corrected or expanded and the correction or expansion 1923  
is made a part of the permanent record kept by the court, the 1924  
court shall ascertain whether a request for notification has 1925  
been filed in accordance with division (E) (2) of this section. 1926

If such a request has been filed, the court shall determine 1927  
whether, at that time, the person who filed the request is 1928  
authorized, under division (D) of this section, to inspect the 1929  
forms that pertain to the social or medical history of the 1930  
biological parents. If the court determines that the person who 1931  
filed the request is so authorized, it immediately shall notify 1932  
the person that the social or medical history has been corrected 1933  
or expanded, that it has been made a part of the permanent 1934  
record kept by the court, and that the forms that pertain to the 1935  
records may be inspected in accordance with division (D) of this 1936  
section. 1937

**Sec. 3107.18.** (A) Except when giving effect to such a 1938  
decree would violate the public policy of this state, a court 1939  
decree terminating the relationship of parent and child, or 1940  
establishing the relationship by adoption, issued pursuant to 1941  
due process of law by a court of any jurisdiction outside this 1942  
state, whether within or outside the United States, shall be 1943  
recognized in this state, and the rights and obligations of the 1944  
parties as to all matters within the jurisdiction of this state, 1945  
including, without limitation, those matters specified in 1946  
section 3107.15 of the Revised Code, shall be determined as 1947  
though the decree were issued by a court of this state. ~~A decree~~ 1948  
~~or certificate of adoption that is issued under the laws of a~~ 1949  
~~foreign country and that is verified and approved by the~~ 1950  
~~immigration and naturalization service of the United States~~ 1951  
~~shall be recognized in this state. Nothing in this section~~ 1952  
~~prohibits a court from issuing a final decree of adoption or~~ 1953  
~~interlocutory order of adoption pursuant to section 3107.14 of~~ 1954  
~~the Revised Code for a person the petitioner has adopted~~ 1955  
~~pursuant to a decree or certificate of adoption recognized in~~ 1956  
~~this state that was issued outside the United States.~~ 1957

~~(B) If a child born in a foreign country is placed with adoptive parents or an adoptive parent in this state for the purpose of adoption and if the adoption previously has been finalized in the country of the child's birth, the adoptive parent or parents may bring a petition in the probate court in their county of residence requesting that the court issue a final decree of adoption or an interlocutory order of adoption pursuant to section 3107.14 of the Revised Code. In a proceeding on the petition, proof of finalization of the adoption outside the United States is prima facie evidence of the consent of the parties who are required to give consent even if the foreign decree or certificate of adoption was issued with respect to only one of two adoptive parents who seek to adopt the child in this state.~~ (B) (1) A final judgment of adoption granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States shall have the same force and effect in this state as that given to a judgment of adoption entered by a court of competent jurisdiction of this state, without additional proceedings or documentation, if both of the following apply:

(a) Either adopting parent is a resident of this state;

(b) The validity of the foreign adoption has been verified by the granting of an IR-3, IH-3, or a successor immigrant visa, for the child by the citizenship and immigration services of the United States department of homeland security or its successor agency.

(2) Notwithstanding any other provision of law to the contrary, an adoptive parent shall not be required to petition a court in this state for adoption of the child, and the foreign adoption shall be considered final under the laws of this state,

if the conditions of division (B) (1) of this section are met. 1988

~~(C) At the request of a person who has adopted a person~~ 1989  
~~pursuant to a decree or certificate of adoption recognized in~~ 1990  
~~this state that was issued outside the United States, Either~~ 1991  
~~adoptive parent, a guardian, or a guardian ad litem may petition~~ 1992  
the court of the county in which the person making the request 1993  
resides to register a foreign adoption in this state. The court 1994  
may specify a change of name for the child and, if a physician 1995  
has recommended a revision of the birth certificate, a revised 1996  
birth date. If the petition is granted, the court shall order 1997  
the department of health to issue a foreign birth record for the 1998  
adopted person under section 3705.122 of the Revised Code. ~~The~~ 1999  
~~court may specify a change of name for the child and, if a~~ 2000  
~~physician has recommended a revision of the birth date, a~~ 2001  
~~revised birth date.~~The court shall send to the department with 2002  
its order a copy of the foreign adoption decree or certificate 2003  
of adoption and, if the foreign decree or certificate of 2004  
adoption is not in English, a translation certified as to its 2005  
accuracy by the translator and provided by the person who 2006  
requested the order. 2007

**Sec. 3107.19.** If the adopted person was born in this state 2008  
or outside the United States, the court shall forward all of the 2009  
following to the department of health within thirty days after 2010  
an adoption decree becomes final: 2011

(A) A copy of the adopted person's certificate of 2012  
adoption; 2013

(B) The form prescribed under division (A) (1) of section 2014  
3107.083 of the Revised Code, if a parent filled out and signed 2015  
the form pursuant to section ~~3107.071, 3107.081,~~ or 5103.151 of 2016  
the Revised Code; 2017

(C) A statement of whether the adopted person is an adopted person as defined in section 3107.38 or 3107.45 of the Revised Code.

If the adopted person was born in another state of the United States, the court shall forward a copy of the adopted person's certificate of adoption to that state's vital statistics office within thirty days after an adoption decree becomes final.

Sec. 3107.20. (A) A petition for adoption of a minor may be filed under section 3107.04 of the Revised Code regarding a child who is the subject of a pending proceeding under section 2151.414 of the Revised Code.

(B) A proceeding for the adoption of the minor under section 3107.04 of the Revised Code shall be stayed and a final decree of adoption or an interlocutory order of adoption of a minor regarding a petition filed as provided under this section shall not be issued until the proceeding, including any appeals, regarding the minor under section 2151.414 of the Revised Code has been concluded and permanent custody of the minor has been granted under that section.

**Sec. 3107.46.** (A) A birth parent who did not check, pursuant to section ~~3107.071~~, 3107.081, or 5103.151 of the Revised Code, the "no" space provided on the component of the form prescribed pursuant to division (A)(1)(b) of section 3107.083 of the Revised Code may sign, date, and have filed with the department of health a denial of release form prescribed under section 3107.50 of the Revised Code. A birth parent who signs an authorization of release form under division (B) of this section may rescind that form by signing, dating, and having filed with the department of health a denial of release

form prescribed under section 3107.50 of the Revised Code. If, 2048  
at the time of submitting the denial of release form, the birth 2049  
parent provides the department two items of identification, the 2050  
department shall file the form in the adoption file of the 2051  
adopted person indicated on the form. 2052

(B) If an adoption file contains a birth parent's denial 2053  
of release form, the birth parent may rescind that form by 2054  
signing, dating, and having filed with the department of health 2055  
an authorization of release form. If, at the time of submitting 2056  
the authorization of release form, the birth parent provides the 2057  
department two items of identification, the department shall 2058  
file the form in the adoption file of the adopted person 2059  
indicated on the form. 2060

(C) After a birth parent submits a denial of release form 2061  
or an authorization of release form under this section, the 2062  
department of health shall provide the birth parent a copy of 2063  
the form. 2064

(D) A birth parent may rescind an authorization of release 2065  
form pursuant to division (A) of this section and rescind a 2066  
denial of release form pursuant to division (B) of this section 2067  
as many times as the birth parent wishes. 2068

**Sec. 5103.15.** (A) (1) The parents, guardian, or other 2069  
persons having the custody of a child may enter into an 2070  
agreement with any public children services agency or private 2071  
child placing agency, whereby the child is placed without the 2072  
approval of the juvenile court in the temporary custody of the 2073  
agency for a period of time of up to thirty days, except that an 2074  
agreement for temporary custody can be for a period of time of 2075  
up to sixty days without court approval if the agreement is 2076  
executed solely for the purpose of obtaining the adoption of a 2077



child who is less than six months of age on the date of the 2078  
execution of the agreement. 2079

(2) Except as provided in division (A) (3) of this section 2080  
for agreements entered into to obtain the adoption of a child 2081  
under the age of six months, any public children services agency 2082  
or private child placing agency that obtains, without court 2083  
approval, temporary custody of a child pursuant to an agreement 2084  
executed in accordance with this division may request the 2085  
juvenile court of the county in which the child has a residence 2086  
or legal settlement for an original thirty-day extension of the 2087  
temporary custody agreement. Upon the filing of a request for 2088  
the extension of the temporary custody agreement, the juvenile 2089  
court shall determine whether the extension is in the best 2090  
interest of the child and may extend the temporary custody 2091  
agreement for a period of thirty days beyond the initial thirty- 2092  
day period for which court approval is not required by this 2093  
division. The agency requesting the original extension shall 2094  
file a case plan, prepared pursuant to section 2151.412 of the 2095  
Revised Code, with the court at the same time that it files its 2096  
request for an extension. 2097

At the expiration of the original thirty-day extension 2098  
period, the agency may request the juvenile court to grant an 2099  
additional thirty-day extension of the temporary custody 2100  
agreement. Upon the filing of the request for the additional 2101  
extension, the juvenile court may extend the temporary custody 2102  
agreement for a period of thirty days beyond the original 2103  
thirty-day extension period if it determines that the additional 2104  
extension is in the best interest of the child. The agency shall 2105  
file an updated version of the child's case plan at the same 2106  
time that it files its request for an additional extension. 2107

At the expiration of an additional thirty-day extension 2108  
period and at the expiration of the original thirty-day 2109  
extension period if the agency does not request an additional 2110  
thirty-day extension, the agency shall either return the child 2111  
to the child's parents, guardian, or other person having custody 2112  
of the child or file a complaint with the court pursuant to 2113  
section 2151.27 of the Revised Code requesting temporary or 2114  
permanent custody of the child. The complaint shall be 2115  
accompanied by a case plan prepared in accordance with section 2116  
2151.412 of the Revised Code. 2117

(3) Any public children services agency or private child 2118  
placing agency that obtains, without court approval and solely 2119  
for the purpose of obtaining the adoption of the child, 2120  
temporary custody of a child who is under the age of six months 2121  
pursuant to an agreement executed in accordance with this 2122  
division may request the juvenile court in the county in which 2123  
the child has a residence or legal settlement to grant a thirty 2124  
day extension of the temporary custody agreement. Upon the 2125  
filing of the request, the court shall determine whether the 2126  
extension is in the best interest of the child and may extend 2127  
the temporary custody agreement for a period of thirty days 2128  
beyond the sixty day period for which the court approval is not 2129  
required by this division. The agency requesting the extension 2130  
shall file a case plan, prepared pursuant to section 2151.412 of 2131  
the Revised Code, with the court at the same time that it files 2132  
its request for an extension. 2133

At the expiration of the thirty day extension, the agency 2134  
shall either return the child to the parents, guardian, or other 2135  
person having custody of the child or file a complaint with the 2136  
court pursuant to section 2151.27 of the Revised Code requesting 2137  
temporary or permanent custody of the child. The complaint shall 2138

be accompanied by a case plan prepared in accordance with 2139  
section 2151.412 of the Revised Code. 2140

(B) (1) Subject to, ~~except as provided in division (B) (2)~~ 2141  
~~of this section,~~ juvenile court approval, the ~~parents, guardian,~~ 2142  
~~or other persons having custody of a child following~~ may enter 2143  
into an agreement with a public children services agency or 2144  
private child placing agency surrendering the child into the 2145  
permanent custody of ~~the~~ that agency. 2146

(a) The parents, guardian, or other persons having custody 2147  
of the child; 2148

(b) The parents of a child who is in the temporary custody 2149  
of a public children services agency or private child placing 2150  
agency. 2151

(2) An agency that enters into such an agreement under 2152  
division (B) (1) of this section may take and care for the child 2153  
or place the child in a family home. 2154

(3) A private child placing agency or public children 2155  
services agency that seeks permanent custody of a child pursuant 2156  
to division (B) (1) of this section shall file a request with the 2157  
juvenile court of the county in which the child has a residence 2158  
or legal settlement for approval of the agency's permanent 2159  
surrender agreement with the parents, guardian, or other persons 2160  
having custody of the child. Not later than fourteen business 2161  
days after the request is filed, the juvenile court shall 2162  
determine whether the permanent surrender agreement is in the 2163  
best interest of the child. The court may approve the permanent 2164  
surrender agreement if it determines that the agreement is in 2165  
the best interest of the child and, in the case of an agreement 2166  
between a parent and an agency, the requirements of section 2167

5103.151 of the Revised Code are met. The agency requesting the approval of the permanent surrender agreement shall file ~~a~~with the court an original or amended case plan, prepared pursuant to section 2151.412 of the Revised Code, ~~with the court~~ at the same time that it files its request for the approval of the permanent surrender agreement.

~~(2) The~~ (4) Notwithstanding division (B) (1) of this section, the parents of a child less than six months of age may enter into an agreement with a private child placing agency surrendering the child into the permanent custody of the agency without juvenile court approval if the agreement is executed solely for the purpose of obtaining the adoption of the child. The agency shall, not later than two business days after entering into the agreement, notify the juvenile court. The agency also shall notify the court not later than two business days after the agency places the child for adoption. The court shall journalize the notices it receives under division ~~(B) (2)~~ (B) (4) of this section.

(C) The agreements provided for in this section shall be in writing, on forms prescribed and furnished by the department, and may contain any proper and legal stipulations for proper care of the child, and may authorize the public children services agency or private child placing agency when such agreements are for permanent care and custody to appear in any proceeding for the legal adoption of the child, and consent to the child's adoption, as provided in section 3107.06 of the Revised Code. If an agreement for permanent care and custody of a child is executed, social and medical histories shall be completed in relation to the child in accordance with section 3107.09 of the Revised Code. The adoption order of the probate court judge made upon the consent shall be binding upon the

child and the child's parents, guardian, or other person, as if 2199  
those persons were personally in court and consented to the 2200  
order, whether made party to the proceeding or not. 2201

(D) An agreement entered into under this section by a 2202  
parent under age eighteen is as valid as an agreement entered 2203  
into by a parent age eighteen or older. 2204

**Sec. 5103.153.** (A) (1) A juvenile court shall conduct a 2205  
review hearing of an agreement the court approves under division 2206  
(B) (1) of section 5103.15 of the Revised Code once every seven 2207  
months after the agreement is entered into if a final decree or 2208  
interlocutory order of adoption for the child who is the subject 2209  
of the agreement has not been issued or become final and the 2210  
agreement is still in effect. 2211

(2) A juvenile court shall conduct a review hearing of an 2212  
agreement entered into under division ~~(B) (2)~~ (B) (4) of section 2213  
5103.15 of the Revised Code once every six months after the 2214  
court is notified of the agreement if the agreement is still in 2215  
effect and the court has not been notified that the child who is 2216  
the subject of the agreement has been placed for adoption. The 2217  
private child placing agency that entered into the agreement 2218  
shall file a case plan, prepared pursuant to section 2151.412 of 2219  
the Revised Code, with the court at the review hearing. 2220

(B) A juvenile court shall give notice of a review hearing 2221  
under division (A) of this section to each interested party. At 2222  
the hearing, the court shall review the child's placement and 2223  
custody arrangement. Based on the evidence presented at the 2224  
hearing, the court may order that reasonable action be taken 2225  
that the court determines is necessary and in the child's best 2226  
interest or that an action that the court determines is not in 2227  
the child's best interest be discontinued. 2228

**Sec. 5103.16.** (A) Except as otherwise provided in this 2229  
section, no child shall be placed or accepted for placement 2230  
under any written or oral agreement or understanding that 2231  
transfers or surrenders the legal rights, powers, or duties of 2232  
the legal parent, parents, or guardian of the child into the 2233  
temporary or permanent custody of any association or institution 2234  
that is not certified by the department of job and family 2235  
services under section 5103.03 of the Revised Code, without the 2236  
written consent of the office in the department that oversees 2237  
the interstate compact for placement of children established 2238  
under section 5103.20 of the Revised Code or the interstate 2239  
compact on the placement of children established under section 2240  
5103.23 of the Revised Code, as applicable, or by a commitment 2241  
of a juvenile court, or by a commitment of a probate court as 2242  
provided in this section. A child may be placed temporarily 2243  
without written consent or court commitment with persons related 2244  
by blood or marriage or in a legally licensed boarding home. 2245

(B) (1) Associations and institutions certified under 2246  
section 5103.03 of the Revised Code for the purpose of placing 2247  
children in free foster homes or for legal adoption shall keep a 2248  
record of the temporary and permanent surrenders of children. 2249  
This record shall be available for separate statistics, which 2250  
shall include a copy of an official birth record and all 2251  
information concerning the social, mental, and medical history 2252  
of the children that will aid in an intelligent disposition of 2253  
the children in case that becomes necessary because the parents 2254  
or guardians fail or are unable to reassume custody. 2255

(2) No child placed on a temporary surrender with an 2256  
association or institution shall be placed permanently in a 2257  
foster home or for legal adoption. All surrendered children who 2258  
are placed permanently in foster homes or for adoption shall 2259

have been permanently surrendered, and a copy of the permanent 2260  
surrender shall be a part of the separate record kept by the 2261  
association or institution. 2262

(C) Any agreement or understanding to transfer or 2263  
surrender the legal rights, powers, or duties of the legal 2264  
parent or parents and place a child with a person seeking to 2265  
adopt the child under this section shall be construed to contain 2266  
a promise by the person seeking to adopt the child to pay the 2267  
expenses listed in divisions (C) (1), (2), and (4) of section 2268  
3107.055 of the Revised Code and, if the person seeking to adopt 2269  
the child refuses to accept placement of the child, to pay the 2270  
temporary costs of routine maintenance and medical care for the 2271  
child in a hospital, foster home, or other appropriate place for 2272  
up to thirty days or until other custody is established for the 2273  
child, as provided by law, whichever is less. 2274

(D) No child shall be placed or received for adoption or 2275  
with intent to adopt unless placement is made by a public 2276  
children services agency, an institution or association that is 2277  
certified by the department of job and family services under 2278  
section 5103.03 of the Revised Code to place children for 2279  
adoption, or custodians in another state or foreign country, or 2280  
unless all of the following criteria are met: 2281

(1) Prior to the placement and receiving of the child, the 2282  
parent or parents of the child personally have applied to, and 2283  
appeared before, the probate court of the county in which the 2284  
parent or parents reside, or in which the person seeking to 2285  
adopt the child resides, for approval of the proposed placement 2286  
specified in the application and have signed and filed with the 2287  
court a written statement showing that the parent or parents are 2288  
aware of their right to contest the decree of adoption subject 2289

to the limitations of section 3107.16 of the Revised Code; 2290

(2) The court ordered an independent home study of the 2291  
proposed placement to be conducted as provided in section 2292  
3107.031 of the Revised Code, and after completion of the home 2293  
study, the court determined that the proposed placement is in 2294  
the best interest of the child; 2295

(3) The court has approved of record the proposed 2296  
placement. 2297

In determining whether a custodian has authority to place 2298  
children for adoption under the laws of a foreign country, the 2299  
probate court shall determine whether the child has been 2300  
released for adoption pursuant to the laws of the country in 2301  
which the child resides, and if the release is in a form that 2302  
satisfies the requirements of the immigration and naturalization 2303  
service of the United States department of justice for purposes 2304  
of immigration to this country pursuant to section 101(b)(1)(F) 2305  
of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 2306  
U.S.C. 1101 (b)(1)(F), as amended or reenacted. 2307

If the parent or parents of the child are deceased or have 2308  
abandoned the child, as determined under division (A) of section 2309  
3107.07 of the Revised Code, the application for approval of the 2310  
proposed adoptive placement may be brought by the relative 2311  
seeking to adopt the child, or by the department, board, or 2312  
organization not otherwise having legal authority to place the 2313  
orphaned or abandoned child for adoption, but having legal 2314  
custody of the orphaned or abandoned child, in the probate court 2315  
of the county in which the child is a resident, or in which the 2316  
department, board, or organization is located, or where the 2317  
person or persons with whom the child is to be placed reside. 2318  
Unless the parent, parents, or guardian of the person of the 2319



child personally have appeared before the court and applied for 2320  
approval of the placement, notice of the hearing on the 2321  
application shall be served on the parent, parents, or guardian. 2322

The consent to placement, surrender, or adoption executed 2323  
by a minor parent before a judge of the probate court or an 2324  
authorized deputy or referee of the court, whether executed 2325  
within or outside the confines of the court, is as valid as 2326  
though executed by an adult. A consent given as above before an 2327  
employee of a children services agency that is licensed as 2328  
provided by law, is equally effective, if the consent also is 2329  
accompanied by an affidavit executed by the witnessing employee 2330  
or employees to the effect that the legal rights of the parents 2331  
have been fully explained to the parents, prior to the execution 2332  
of any consent, and that the action was done after the birth of 2333  
the child. 2334

If the court approves a placement, the prospective 2335  
adoptive parent with whom the child is placed has care, custody, 2336  
and control of the child pending further order of the court. 2337

(E) (1) This section does not apply to an adoption by a 2338  
stepparent, a grandparent, an adult sibling, a grandparent's 2339  
~~husband or wife~~spouse, a legal custodian, or a guardian. 2340

(2) As used in ~~division (E) (1) of~~ this section: 2341

(a) "Legal custodian" means a person who has been granted 2342  
the legal custody of a child by a court of competent 2343  
jurisdiction. 2344

(b) "Legal custody" has the same meaning as in section 2345  
2151.011 of the Revised Code or in any other substantially 2346  
equivalent statute. 2347

**Section 2.** That existing sections 2101.24, 2151.412, 2348

2151.414, 2937.02, 3107.01, 3107.011, 3107.02, 3107.03, 3107.04, 2349  
3107.05, 3107.051, 3107.055, 3107.06, 3107.07, 3107.08, 2350  
3107.082, 3107.083, 3107.084, 3107.11, 3107.12, 3107.14, 2351  
3107.16, 3107.161, 3107.17, 3107.18, 3107.19, 3107.46, 5103.15, 2352  
5103.153, and 5103.16 of the Revised Code are hereby repealed. 2353

**Section 3.** That sections 3107.071 and 3107.13 of the 2354  
Revised Code are hereby repealed. 2355

**Section 4.** Section 3107.07 of the Revised Code is 2356  
presented in this act as a composite of the section as amended 2357  
by both S.B. 207 and S.B. 250 of the 130th General Assembly. The 2358  
General Assembly, applying the principle stated in division (B) 2359  
of section 1.52 of the Revised Code that amendments are to be 2360  
harmonized if reasonably capable of simultaneous operation, 2361  
finds that the composite is the resulting version of the section 2362  
in effect prior to the effective date of the section as 2363  
presented in this act. 2364