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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.

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
Sec. 2151.412. (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
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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 ordinary copies 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

Revised Code. 1059

Sec. ~~3107.051~~ 3107.052. (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

Sec. 3107.055. (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;

(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.

(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.

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.

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.

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
1292
1293
1294
1295
1296

(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~~7~~ 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~~7~~ 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, ~~or~~ 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