

FILINGS

1. Form 18.0: Petition for Adoption of Minor
2. Form 18.1: Judgment Entry Setting Hearing
3. Form 18.2: Notice of Hearing on Petition for Adoption
4. Form 18.3: Consent to Adoption
5. Form 18.4: Judgment Entry Finding Consent Not Required
6. Form 18.5: Interlocutory Order of Adoption
7. Form 18.6: Final Decree of Adoption (After Interlocutory Order)
8. Form 18.7: Final Decree of Adoption (Without Interlocutory Order)
9. Form 18.8: Adoption Certificate for Parents
10. Form 18.9: Petitioner's Account
11. Vital Statistics - Certificate of Adoption (HEA 2757)
12. Form 19.0: Petition for Adoption of Adult
13. Form 19.1: Final Order of Adult Adoption
14. Form 19.2: Petition to Recognize Foreign Adoption
15. Form 19.3: Order for Ohio Birth Record for Foreign Born Child

WHO MAY BE ADOPTED [R.C. 3107.02]

- A minor, or
- A non-objecting adult if:
 1. Totally or permanently disabled
 2. Intellectual disability (as defined in R.C. 5123.01)
 3. Established child-foster caregiver, kinship caregiver or child-stepparent relationship while a minor and consents
 4. On 18th birthday was in permanent custody or in Planned Permanent Living Arrangement of a children's services agency and consents or
 5. Adult is child of spouse of petitioner and consents
 6. Became 18 between filing of petition and court decision and consents in writing

WHO MAY ADOPT [R.C. 3107.03]

- Married couple
- Unmarried adult
- Unmarried minor parent of adoptee or
- Married adult without joining spouse if:
 1. stepparent adoption
 2. legally separated pursuant to R.C. 3103.06 or 3105.17
 3. spouse fails to join because of a prolonged, unexplained absence, unavailability, incapacity, or other reasonable circumstances.

VENUE [R.C. 3107.04]

- Petition for adoption filed in the county where:
 1. adoptee was born or resides
 2. petitioner resides
 3. parent of adoptee resides
 4. petitioner is stationed for military service or
 5. agency having permanent custody is located.

PLACEMENT [R.C. 5103.15 and 5103.16]

- Persons having custody of child may enter into written agreement with agency certified by Department of Job & Family Services to give custody of child to the agency or may place/receive child for adoption or intent to adopt if all of the following criteria are met:
 1. Parent[s] have applied to and appeared before probate court, where they reside or where person seeking to adopt resides, for approval of placement and signed/filed written statement they are aware of right to contest decree of adoption [R.C. 5103.16(D)(1)]
 2. Court ordered independent home study per R.C. 3107.031 and after completion, court determined placement in best interest of child [R.C. 5103.16(D)(2)]
 3. Court approved of record the proposed placement. [R.C. 5103.16(D)(3)]
 4. Suitability of placement of foreign children

for adoption determined by probate court; look to compliance with laws of the country in which the child resides and release in accordance with the “Immigration and Nationality Act” 8 U.S.C. 101 (b)(1)(F). [R.C. 5103.16(D)(3)]

**Does not apply to adoption by stepparent, grandparent, grandparent’s husband or wife, a legal custodian or a guardian.*

- Placement by Attorney
 - A. Preplacement/Post Placement Approval of Prospective Adoptive Parent(*s)
 - 1. Filing of Pre or Post Placement Application
 - a. File Supplement to Preplacement Application and any other requested documents
 - B. Birth Parent requirements Prior to Placement Hearing [R.C. 5103.16]
 - 1. Birth parent(s) must meet with an Adoption Assessor
 - a. Assessor’s duties [R.C. 3107.082 and 3107.03]
 - 2. The court may want to assign counsel for minor parent(s) and parent(s) under guardianship
 - C. Placement Hearing requirements
 - 1. Birth parent must appear in the probate court county where a birth parent resides or where the prospective adoptive parent(s) reside [R.C. 3107.04]
 - 2. Determination of necessity of parental consent [R.C. 3107.06 and R.C. 3107.07]
 - 3. Execution of parental consent [R.C. 3107.08 and R.C. 3107.081]
 - 4. Preliminary check of the Putative Father Registry
 - 5. The court must:
 - a. Approve the birth parents’ application for placement
 - b. Find that birth parent(s) have consented to the adoption as proposed and understand her/his/their right to contest the adoption under R.C. 3107.16

c. Find that the proposed placement is in the “best interest” of the child to be adopted [R.C. 3107.161]

D. Post Placement Orders and Filings

1. Hospital Release
 2. Petition for adoption is filed [R.C. 3107.04 through R.C. 3107.051]
- Placement by Adoption Agency
 - A. Agency will prepare all documentation necessary for approval of adoptive parent(s)
 - B. Agency assessor will meet with biological parent(s) [R.C. 3107.082]
 - C. See previous section, Placement by Attorney (A), (B), and (C)
 - Placement statute does not apply to relative/guardian's placement [R.C. 5103.16(E)(1)]

INTERSTATE COMPACT [R.C. 5103.20]

Controls the Adoption of Children Born in One State to Be Adopted in Another

- Form 100A – signed by Compact Director from sending state and receiving state
- Form 100B – report on placement status/compact termination
- Forms can be found at Interstate Compact on the Placement of Children (ICPC) website: [http://glossary.adoption.com/interstate-compact-on-the-placement-of-children-\(icpc\).html](http://glossary.adoption.com/interstate-compact-on-the-placement-of-children-(icpc).html)

PETITION FOR ADOPTION [R.C. 3107.05]

- Must contain:
 1. date and place of birth of adoptee
 2. name of adoptee, if known
 3. new name to be used
 4. date of placement and name of person placing minor
 5. petitioner’s full name, age, place and duration of residence
 6. petitioner’s marital status (date and place of marriage)

7. relationship of petitioner to adoptee, if any
 8. petitioner's resources
 9. account of property of adoptee;
 10. name and address, if known, of the person whose consent is required, but has not consented, and facts explaining lack of consent.
- Must also have certified copy of adoptee's birth certificate and ordinary copy of required consents.

CONSENT REQUIRED BY: [R.C. 3107.06]

- Mother of the minor;
- Father, if:
 1. minor was conceived while mother and father were married
 2. minor was adopted by father or
 3. paternity was established in a court proceeding or acknowledged'
- Putative father of minor;
- Any person or agency having permanent custody or court order to consent;
- Minor if more than 12 years old, unless court determines consent is not required.

CONSENT NOT REQUIRED BY: [R.C. 3107.07]

- Parent who has not communicated with the minor or provided support for 1 year
- Putative father who didn't timely register with the putative father registry, is not the father, willfully abandoned or didn't support child, or willfully abandoned the mother during pregnancy
- Parent whose right to consent was relinquished or terminated
- Legal guardian who failed to respond to request for consent within 30 days or who is withholding consent unreasonably
- The spouse of the adoptee if consent cannot be attained because of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or

unreasonably difficult to obtain the consent or refusal of the spouse.

- Does not include all situations under R.C. 3107.07(F) speaks to consent of convicted rapist where adoptee conceived by rape and R.C. 3107.07(J) considers consent of the parent/guardian located in a foreign county.)

EXECUTION OF CONSENT [R.C. 3107.08]

- Consent to adoption may be executed 72 hours after the birth of the minor by:
 1. person to be adopted, in the presence of the court
 2. parent of person to be adopted
 3. executive head or other authorized representative of an agency
 4. any other person, in the presence of the court or an authorized person or
 5. a juvenile court, by appropriate order.

WITHDRAWAL OF CONSENT [R.C. 3107.084]

- Can be withdrawn prior to entry of interlocutory order or final order.
 - o Hearing to determine best interest of the child with notice to petitioner, person seeking withdrawal, and placing agency.
- Cannot be withdrawn after entry of interlocutory order or final order.

PRELIMINARY ESTIMATES AND FINAL ACCOUNTING [R.C. 3107.055]

- Petitioners file preliminary estimate not later than the time adoption petition is filed.
- Itemized, attested final accounting of all disbursements made in connection with adoption, including charges of attorney/agency, filed no later than 10 days before final hearing; final decree not issued until at least 10 days after final accounting filed.
- Permissible disbursements found in R.C. 3107.055; court may reduce or prohibit.
- No accounting for stepparent adoptions.

HEARING AND NOTICE [R.C. 3107.11]

- After petition, court sets hearing any time more than 30 days after placement.
- At least 20 days' notice of hearing given to:
 1. anyone whose consent is required but who has not consented
 2. person whose consent is dispensed with but who hasn't consented; and
 3. anyone having temporary or permanent custody of child.

ASSESSMENT [R.C. 3107.12]

- Before court issues final decree or finalizes interlocutory order, assessor must conduct a prefinalization assessment of minor/petitioner; written report at least 20 days before final hearing (stepparent adoption assessment optional).
- Assessment includes:
 1. adjustment to placement
 2. needs of minor and petitioner
 3. physical, mental, and developmental condition of the minor
 4. minor's biological family background
 5. reasons for placement
 6. attitude of minor toward adoption;
 7. if the minor is an Indian Child how placement complies with Indian Child Welfare Act of 1978
 8. psychological history, including prior abuse
 9. if applicable, forms and documents required under R.C. 3107.032, 3107.10, and 3107.101.
 10. Social and medical history of biological parents.

HOME STUDY [R.C. 3107.031]

- Except for foster children in the home for at least 6 months, the home study shall be filed with court at least 10 days before petition for adoption is heard.

- A qualified adoption assessor shall prepare the home study, prefinalization assessments, and any other reports required by the court
- Assessor qualifications under R.C. 3107.014. Must be employed by, appointed by or under contract with a court, public children services agency, private child placing agency or private noncustodial agency. Individual must be a:
 1. Licensed professional counselor, social worker or marriage and family therapist
 2. Licensed psychologist
 3. Student working to earn a four year, post-secondary degree or higher in a social or behavior science, who conducts assessor's duties under the supervision of a licensed professional counselor, social worker, marriage and family therapist, psychologist (as of July 1, 2009, a student is eligible only if the supervising professional counselor, social worker, marriage and family therapist or psychologist has completed training in accordance with rules adopted under R.C. 3107.015)
 4. Civil service employee engaging in social work without a license under R.C. 4757.
 5. Former employee of a public children services agency who, while employed, conducted the duties of an assessor.

EFFECT OF FINAL DECREE [R.C. 3107.15]

- Decree relieves biological or other legal parents of parental rights and responsibilities, except with respect to spouse of petitioner.

APPEAL [R.C. 3107.16]

- After 1 year, the order cannot be questioned, even for fraud, unless:
 1. petitioner has not taken custody of minor
 2. stepparent adoption would not have been granted but for fraud of the petitioner stepparent or spouse or
 3. in an adult adoption, the adult has no knowledge of the order within a 6-month period.

CERTIFICATE OF ADOPTION [R.C. 3107.19]

- Clerk or adoptive parents may forward copy of Certificate of Adoption to Bureau of Vital Statistics within 30 days of final order.

RELEASE OF IDENTIFYING INFORMATION

- Adopted prior to 1964, adoptees and lineal descendants over the age of 18 may file an Application for Adoption File with the Ohio Department of Health (ODH) (Form HEA 3011) [R.C. 3107.38]
- Adopted Jan. 1, 1964 through Sept. 18, 1996, adoptees and lineal descendants over the age of 18 may file an Application for Adoption File and Authorization of Release of Adopted Name with ODH
 - Application for Adoption File (Form HEA 3011)
 - a. \$20 filing fee
 - b. Two forms of identification
 - c. Lineal descendants will have to show lineal relationship between themselves and the adoptee
 - Authorization of Release of Adopted Name (Form HEA 3036)
 - a. Filed by adoptee
 - b. Allows ODH to release adopted name to biological parents or siblings upon their request
 - c. May be rescinded by filing Rescission of Authorization of Release of Adopted Name (Form HEA 3037)
- Adopted after Sept. 18, 1996
 - Adoption records may be opened if the adopted person is older than 21 by filing Application for Adoption File with ODH (Form HEA 3011) [R5.C. 3107.47]
 - If between the ages of 18 and 21, adoptive parent may request adoption file [R.C. 3107.47]
- Regardless of date of adoption, and upon request to the court, the Social/Medical History form maintained by the court may be inspected

by the adoptive parents during the minority of adopted person, or by the adopted person once he/she reaches the age of majority [R.C. 3107.17]

OPEN ADOPTIONS

- Profiles of prospective adoptive parents may be shown to birth parent. [R.C. 3107.61]
- Does not provide for birth parent to maintain parental authority or control. [R.C. 3107.065(A)(1)]

REFINALIZATION OF FOREIGN ADOPTION

[R.C. 3107.18(A) and (B)]

- Child born in foreign country is placed with adoptive parent(s) in this state for purpose of adoption and if adoption was previously finalized in country of child's birth, adoptive parents may file petition in probate court in their county of residence requesting court issue a final decree of adoption or interlocutory order of adoption pursuant to R.C. 3107.14
- Proof of finalization of adoption outside U.S. is prima-facie evidence of consent of parties who are required to give consent even if foreign decree or certificate of adoption was issued with respect to only one of two adoptive parents who seek to adopt child in this state
- Visa IH-4 or IR-4
- Cases where adoption completed prior to adoptive parents seeing the child, often by use of proxy or power of attorney
- Ohio recognizes the adoption of child, with or without citizenship attaching. Ohio gives full faith and credit to a foreign decree for child legally residing in the state
- Upon completion of adoption, couple must file with Bureau of Citizenship and Immigration Services to obtain citizenship for the child
- IH-4 Visa if child was adopted from a Hague country and the adoption was finalized in the United States or an IR-4 Visa if the child was adopted from a non-Hague country and the adoption was finalized in the United States
- Need all of above information

REGISTRATION OF FOREIGN BIRTH RECORD [R.C. 3107.18(C)]

- Person who has adopted child pursuant to decree or certificate of adoption recognized in this state that was issued outside the U.S. can request the court of county in which person resides to order the department of health to issue a foreign birth record for the adoptive person under [R.C. 3705.12\(A\)\(4\)](#)
 - Court may specify change of name for child and if physician recommended a revision of birth date, a revised birth date
 - Court shall send to department of health: order and copy of foreign adoption decree or certificate of adoption and, if not in English, a certified translation
- Visa IH-3 or IR-3
- Each adoptive parent personally observed child prior to adoption finalization and child is less than 16 years old
- Child becomes citizen upon going through customs in U.S. airport
- IH-3 Visa if child was adopted from a Hague country and the adoption was finalized in that country or an IR-3 Visa if the child was adopted from a non-Hague country and the adoption was finalized in that country
- Foreign Adoption Decree Translation
- Foreign Birth Certificate Translation
- Documentation regarding immigration status

**See www.USCIS.gov (U.S. Citizenship & Immigration Services).*

PUTATIVE FATHER REGISTRY [R.C. 3107.064]

- Court shall not issue final decree or finalize interlocutory order unless, pursuant to [R.C. 3107.063](#), a certified document from the Ohio Department of Job & Family Services is filed, which must be dated 31 or more days after date of minor's birth.
- This document not required if any of following apply:
 1. Mother was married at time minor was conceived or born
 2. Parent placing minor for adoption previously adopted the minor
 3. Prior to date petition is filed, a man has been determined to have a parent and child relationship with minor by court pursuant to [R.C. 3111.01](#) to [3111.18](#), by court proceeding in another state, administrative agency proceeding pursuant to [R.C. 3111.38](#) to [3111.54](#), or administrative agency proceeding in another state
 4. Minor's father acknowledged paternity of minor or
 5. Public children services agency has permanent custody of minor pursuant to [R.C. 2151](#) or [R.C. 5103.15\(B\)](#) after both parents lost or surrendered parental rights, privileges and responsibilities over minor.