

**DEFINITIONS [R.C. 3107.01]**

1. "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a legitimate blood descendent of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation.
2. "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.
3. "Date of placement" means the date on which a child is living with the child's prospective adoptive parent and becomes eligible for adoption, pursuant to statutory authority, judgment decree or court order, or as otherwise authorized by law.
4. "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.
5. "Legal custodian" has the same meaning as in section 5103.16 of the Revised Code/
6. "Legal custody" has the same meaning as in section 2151.011 of the Revised Code.
7. "Parent" means a legally recognized natural or adoptive parent of a child.
8. "Party" means a petitioner, adoptee, or any other person or agency that is part of an adoption proceeding and whose consent to the adoption is necessary but has not been obtained.
9. "Permanent custody has the same meaning as in section 2151.011 of the Ohio Revised Code.
10. "Placement" means the act by a public children services agency, a private child placing agency, or a parent who is utilizing an agency or attorney that is intended to arrange for the care or custody of a child in accordance with Chapter 5103. Of the Revised Code.
11. "Planned Permanent Living Arrangement has the same meaning as in section 2151.011 of the Revised Code.

**EXEMPTIONS [R.C. 3107.011(A)]**

1. A stepparent, grandparent, adult sibling, legal custodian, and guardian are exempt from the requirement to utilize an agency or attorney to arrange an adoption.
2. A grandparent, adult sibling, legal custodian, and guardian includes that individual's spouse when a joint adoption is pending.

**SIX-MONTH REQUIREMENT [R.C. 3107.02(A)]**

1. A final decree shall not be issued and an interlocutory order of adoption does not become final until the person to be adopted has lived in the adoptive home for a least six months after placement by an agency, or for at least six months after the department of job and family services or the court has been informed of the placement, or in the case of adoption by stepparent, until at least six months after the filing of the petition, or until the child has lived in the home for at least six months.

2. In the case of a foster caregiver adopting a foster child, a person adopting a child to whom the person is related, a kinship caregiver, a legal custodian or a guardian adopting a child, the court shall apply the amount of time the child has lived in the home toward the six-month waiting period.

**ADULT ADOPTION [R.C. 3107.02(B)]**

Permits adult adoption of a person with a developmental disability, as defined in R.C. 5123.01

**LIVING EXPENSE [R.C. 3107.055(C)(9)]**

Increases from \$3,000 to \$6,000 the maximum amount that an adoption petitioner may disburse to the birth mother for living expenses incurred during pregnancy through the sixtieth day after the date the minor is born.

**ACCOUNTINGS [R.C. 3107.055]**

1. Allows *good cause exception* to final account being filed not less than 10 days prior to final decree of adoption or finalizing an interlocutory order. [R.C. 3107.055(D)]
2. Account not required for grandparent, adult sibling, legal custodian, and guardian (in addition to stepparent). [R.C. 3107.055(F)]

**CONSENT [R.C. 3107.07]**

Consent not required if:

1. There is clear and convincing evidence that the parent has failed without justifiable cause to *have* more than de minimis contact with the minor or to provide *meaningful and regular* maintenance and support of the minor for a period of one year *preceding the adoption filing*.
2. A putative father when either of the following applies:
  - A. Fails to register with the Ohio putative father registry
  - B. The court finds, after proper service and notice of hearing, that any of the following are the case:
    - i. The putative father is not the the father of the minor
    - ii. The putative father has failed without justifiable cause to have more than de minimis contact with the minor or to provide *meaningful and regular* maintenance and support for the minor or
    - iii. The putative father has willfully failed to *meaningfully and regularly care for and support* the minor's mother during her pregnancy and up to the time of surrender of the minor or the minor's placement in the home of the petitioner or petitioners, whichever occurs first.
3. A parent who has entered into a *properly executed* voluntary permanent custody surrender.
4. A parent whose parental rights have been terminated by order of a juvenile court or *any court of competent jurisdiction*.
5. *Any agency having permanent custody* of the person to be adopted whose reasons for withholding consent are found by the court to be unreasonable.
6. A parent who has been convicted of or pleaded guilty to a criminal offense that resulted in (A) the death of the

minor's other parent, legal custodian, guardian, or primary care provider or (B) a term of incarceration of that parent that is expected to extend beyond the minor's age of majority.

#### **NOTICE [R.C. 3107.11]**

1. Notice of the filing of the adoption petition must be given *at least 30 days* before the hearing date.
2. Changes the objection period:
  - A. If the child is under the age of 1, written objections must be filed within 14 days from the date of service.
  - B. If child is 1 or older, written objections must be filed within *28 days from date of service and for good cause shown*, the time may be extended.
3. Includes the right to an attorney.
4. The Court shall consider a written request of an attorney or a notice of appearance by an attorney as grounds for an extension to file a written objection.

#### **VACATE ADOPTION [R.C. 3107.16]**

1. Adoption decree cannot be vacated by the court upon motion after the expiration of six months after decree is issued, for any reason, except:
2. Upon motion by any person, the court may reconsider and vacate an adoption if there is clear and convincing evidence the child was a victim of trafficking. A conviction is not required to reconsider the adoption

#### **BEST INTEREST [R.C. 3107.161]**

1. The petitioner has the burden of proving the best interest of the child by a preponderance of the evidence.
2. 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 the law

#### **PERSONS ADMITTED TO HEARING [R.C. 3107.17(A)]**

Adds "*any other persons the court deems appropriate*" to the list of those who may be admitted to attend a hearing.

#### **FOREIGN ADOPTION [R.C. 3107.18]**

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 as that given to a judgment of adoption entered by a court of competent jurisdiction of this state 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.
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.

3. Either adoptive parent, a guardian, or a guardian ad litem may petition the court of the county in which the person resides to register a foreign adoption in this state.
  - A. The court may change the name of the child
  - B. If a physician recommends, the court may order a revised birth date
  - C. If the petition is granted, the court shall order the department of health to issue a foreign birth record.

#### **SURRENDER CHILD [R.C. 5103.15(B)(1)]**

The following may, subject to juvenile court approval, enter into an agreement with a public children services agency or private child placing agency surrendering the child into the permanent custody of the agency:

1. The parents, guardian, or other persons having custody of the child;
2. The parents of a child who is in the temporary custody of a public children services agency or private child placing agency.

#### **CSEA NOTICE [R.C. 3107.20]**

Upon the issuance of a final decree of adoption, the court shall notify the child support enforcement agency administering a child support order.