

ADOPTIONS

About this Web Page

This web page is designed as a service to the public to provide an understanding of the duties and procedures of the probate court in reference to adoptions. This web page should not be considered as a legal reference.

Recent Legislation

House Bill 7 (effective April 7, 2009) - Adoptions

- Authorizes a maximum payment of \$3,000 for a birth mother's living expenses that are incurred no more than sixty (60) days after the child's birth.
- Reduces to six (6) months, the time that a child must reside with a foster caregiver before the foster caregiver may petition for adoption.
- A birth parent's consent may not be required, if clear and convincing evidence is presented that there was no more than de minimis contact with the child.
- An interlocutory order becomes final no more than one year after the adoptee is placed in the home, instead of from the date of the order.

Who may Adopt?

- 1) A husband and wife jointly
- 2) Step-parents
- 3) Single parent

Who may be Adopted?

- 1) Minor child - In Ohio, a person under 18 years of age.
- 2) An adult determined to be totally and permanently disabled or mentally retarded.
- 3) An adult who established a child / foster parent or child / step- parent relationship with petitioners as a minor provided she / he consents to the adoption.

What are the Types of Adoptions?

- 1) **Step - Parent** - In this instance, the person seeking to adopt may either be a step - father or step - mother. The parent whose right is being terminated must consent unless his or her consent is not required under the law.
- 2) **Independent or Relative Adoption** - In this instance, a licensed adoption agency is not involved. It is generally handled by your private attorney working directly with the court. On occasion, the child may be related to persons seeking to adopt such as a grandchild, niece, etc. Other times, there is no relationship between the child to be adopted and those adopting.
- 3) **Interstate Adoptions** - Suppose a child is born in Ohio and a couple in California wishes to adopt or vice-versa. In all instances, both states' departments of human services must be involved. The probate court will advise and supervise these proceedings as required by law.

- 4) **International Adoptions** - The usual situation is when a child is born in another country and sought to be adopted by a family in Ohio. Here, a licensed adoption agency frequently is involved. The probate court is sometimes involved initially with investigating and approving the suitability of the adopting family locally. The court may remain involved and will subsequently finalize the adoption.

If the adoption is finalized in the other country, our court can do a readoption and issue an Ohio birth certificate or with proper documentation from the other country we could issue an Ohio birth certificate only.

- 5) **Agency** - For those using the services of a licensed adoption agency, probate court involvement will be at the final stages. It is the agency who will approve you, your home's suitability, the selection and placement of the child in your home, and advise when the time is right to finalize the adoption. The agencies have a trained, professional staff and use legal counsel to ensure that your adoption is legally, effectively and efficiently handled.

Where Should I File for Adoption?

Since the probate court has exclusive jurisdiction over adoptions, you file in the probate court of the county where:

- 1) The agency having custody of the child is located.
- 2) The child was born or now resides.
- 3) The person or persons seeking to adopt reside.
- 4) Person seeking to adopt is stationed in military service.
- 5) In private placement: where the birth parent resides.

Is a Home Study Necessary?

Yes, regardless of the type of adoption, a home study is required. Whether obtained through the agency or through probate court, the study will be completed by a trained professional.

Is Counseling Required?

In all independent adoptions involving newborns, an assessment of the birth parent(s)' emotional stability regarding the decision to place the newborn for adoption is conducted by a trained professional. Counseling will be suggested where the assessor has concern about the birth parent(s)' readiness to make such a placement.

Must I Appear in Court?

Yes, it is mandatory, whether adopting through an agency or independently, that the person adopting and the child or children sought to be adopted appear before the probate court for the final hearing. In certain circumstances, there may be other appearances required. Any exceptions can only be granted by the court for good cause shown. The petitioners and the children are required to be present before the probate judge at the time of the final hearing.

Access to Adoption Files?

An adoptee 18 years of age or older may obtain, upon request and proper identification, non-identifying information in the court file regarding the biological parents. If adopted through an agency, the non-identifying information can be obtained by contacting the agency directly.

An adopted person 21 years of age or older may file a petition in probate court for the release of identifying information pertaining to the adopted person's biological parents or biological sibling. Such identifying information may be provided to the adopted person if a valid authorization for release, completed by the biological parent or biological sibling, is on file with the Ohio Department of Health, Bureau of Vital Statistics.

Is the Birth Certificate Changed?

Yes, the original birth certificate will be sealed and a new birth certificate issued. The adopting parent or parents will be reflected on the birth certificate, just as though they had been the biological parents.

Adopted children born in Ohio receive their new birth certificates from the bureau of vital statistics, Columbus, Ohio. Children adopted in Ohio, but born in other states, obtain their new birth certificates from the bureau of vital statistics in the state where they were born.

Where can I obtain information in Lucas County about Adoptions?

Lucas County Probate Court

700 Adams Street
Toledo, Ohio 43604
(419) 213-4775

Lucas County Children Services

705 Adams Street
Toledo, Ohio 43604
(419) 327-3627

Catholic Charities, Diocese of Toledo

1933 Spielbusch Avenue
Toledo, Ohio 43604
(419) 244-6711

Attorney of Your Choice - If you do not have an attorney, and wish to obtain one, [The Toledo Bar Association](#) will be happy to assist in referring you. They may be reached at (419) 242-9363