



H.B. 402

125th General Assembly

(As Reported by H. Juvenile and Family Law)

Reps. Fessler, Seitz, Grendell, Hughes, Husted, Latta, DeGeeter, Cates, Gilb, Webster, Kearns, Jerse, Seaver, Faber, Setzer, Aslanides, Blasdel, Distel, Gibbs, Brinkman, Hoops, Kilbane, McGregor, Barrett, Niehaus, Olman, Young, Peterson, Wolpert, Price, Reidelbach, Schmidt, Otterman, G. Smith, J. Stewart, Trakas, Wagner, Walcher, Strahorn, Widener, Collier, Woodard, Ujvagi, Martin, Harwood, C. Evans, White, Allen, Skindell, Widowfield, S. Smith, Hollister, Willamowski

BILL SUMMARY

- Exempts the parents of a child's deceased parent from law that renders those persons legal strangers to the child when the child is adopted by a stepparent.

CONTENT AND OPERATION

(R.C. 3107.15)

Under current law, adoption terminates the legal relationship between the adopted child and the child's relatives. After adoption, a child's former relatives are considered for legal purposes to be strangers to the child. An exception is that the adoption of a child by a stepparent after the death of the child's parent does not restrict or curtail existing court-ordered visitation or affect a court's authority to award reasonable visitation in the future. (R.C. 3107.15(C) and R.C. 3109.11--*not in the bill.*)

The bill excepts the parents of a child's deceased parent from the provision of Ohio adoption law that terminates the child's relationship with the child's relatives when a stepparent adopts the child. As a result, under the bill, the child's legal relationship with those grandparents is unchanged by the adoption and the grandparents are not "legal strangers" to the child. The bill repeals division (C) of existing R.C. 3107.15 because it is incorporated into the new exception.

Because under the bill the parents of the child's deceased parent retain their legal status as grandparents, the bill may affect other areas of law under limited

circumstances. For example, if such a grandparent makes a bequest "to be divided equally among my grandchildren," under the bill the adopted child remains part of that group despite the adoption. Under existing law, the child has become a legal stranger to the grandparent and would not be considered a grandchild for inheritance purposes. Similarly, if the child were to die without a will, the grandparents would be eligible to inherit from the child's estate under Ohio's statute of descent and distribution.¹ Other circumstances in the Revised Code or Ohio Administrative Code that give relatives certain rights, responsibilities, or preferences would be similarly affected by the bill.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-04-04	p. 1603
Reported, H. Juvenile & Family Law	05-06-04	pp. 1867-1868

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¹ *The child's grandparents would only inherit if the child died with no surviving spouse, children or their lineal descendants, or brothers or sisters or their lineal descendants. R.C. 2105.06(H).*