



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 46

129th General Assembly
(As Introduced)

Rep. Blessing

BILL SUMMARY

- Extends to a grandparent's husband or wife the exemption from certain requirements for adoption placement.

CONTENT AND OPERATION

Exemption from adoption placement requirements

Current law provides that certain adoption placement requirements described below do not apply to an adoption by a stepparent, a grandparent, or a guardian. The bill extends this exemption to a grandparent's husband or wife.¹

Following are the requirements under current law, not changed by the bill, regarding the placement of a child for adoption:²

--Any agreement or understanding to transfer or surrender the legal rights, powers, or duties of the legal parent or parents and place a child with a person seeking to adopt the child must be construed to contain a promise by the person seeking to adopt the child to pay specified expenses under the Adoption Law and, if the person seeking to adopt the child refuses to accept placement of the child, to pay the temporary costs of routine maintenance and medical care for the child for a specified period of time.

--Placement of a child for adoption is prohibited unless it is made by a public children services agency, an institution or association certified by the Department of Job

¹ R.C. 5103.16(E).

² R.C. 5103.16(C) and (D).

and Family Services to place children for adoption, or custodians in another state or foreign country, or unless all of the following criteria are met: (1) prior to the placement and receiving of the child, the child's parent or parents personally have applied to, and appeared before, the appropriate probate court for approval of the proposed placement and have filed with the court a signed, written statement showing that they are aware of their right to contest the adoption decree subject to the limitations under the Adoption Law, (2) the court ordered an independent home study of the proposed placement to be conducted under the Adoption Law, and after completion of the study, the court determined that the proposed placement is in the child's best interest, and (3) the court has approved the proposed placement.

--In determining whether a custodian has authority to place children for adoption under a foreign country's laws, the probate court must determine whether the child has been released for adoption pursuant to the laws of the country in which the child resides, and if the release is in a form that satisfies federal law's immigration requirements.

--If the parent or parents of the child are deceased or have abandoned the child, the application for approval of the proposed adoptive placement may be brought by the relative seeking to adopt the child, or by the department, board, or organization having legal custody of the child, in the appropriate probate court, with notice of hearing.

--The consent to placement, surrender, or adoption executed by a minor parent before a judge or an authorized deputy or referee of the probate court is as valid as though executed by an adult. A consent given before an employee of a licensed children services agency is equally effective if the consent also is accompanied by an affidavit executed by the witnessing employee that the legal rights of the parents have been fully explained to the parents, prior to the execution of any consent, and that the action was done after the birth of the child.

--If the court approves a placement, the prospective adoptive parent with whom the child is placed has care, custody, and control of the child pending further order of the court.

HISTORY

ACTION	DATE
Introduced	01-26-11

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