Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 61 of the 130th G.A. **Date**: March 6, 2013

Status: As Introduced **Sponsor**: Reps. Pelanda and Antonio

Local Impact Statement Procedure Required: No

Contents: Access to Adoption Records

State Fiscal Highlights

- The bill makes changes to the laws governing access to adoption records. As a result of these changes, the Ohio Department of Health (ODH) could experience an increase in costs and a potential gain in fee revenue. According to ODH, depending on the number of adoption record requests received due to the bill, an additional staff person may be needed to help process these requests.

Local Fiscal Highlights

- Under current law, for adoptions between January 1, 1964 and September 18, 1996, records are sealed and only opened by a probate court order. The bill provides generally that an adopted person or lineal descendant may submit a written request to ODH to provide a copy of the adoption records. As a result, there could be a reduction in administrative costs and loss of fee revenue for probate courts if individuals seek adoption records from ODH. (Probate courts may currently charge up to $50 to process an adoption records request.)

Detailed Fiscal Analysis

Requests for adoption records

The Ohio Department of Health (ODH), Office of Vital Statistics, houses birth and adoption records of persons born in Ohio and adopted anywhere in the country. Currently, for adoptions prior to January 1, 1964, records are open to people who were born and adopted in Ohio. For adoptions between January 1, 1964 and September 18, 1996, records are sealed and only opened by a probate court order. Lastly, for adoptions after September 18, 1996, records are open to adoptive parents when the adopted person is between 18 to 21 years of age. If the adopted person is 21 years or older, the records are open to the adoptee.

The bill modifies current law pertaining to pre-1964 adoptees, repeals current laws pertaining to post-1963 adoptees available or potentially available for adoption before September 18, 1996, and establishes a single procedure for an adopted person to receive information about the person's biological family. The bill provides generally that an adopted person or lineal descendant of an adopted person may submit a written request to ODH to provide a copy of the contents of the adopted person's adoption file.

The requestor must pay a $20 fee to ODH. Any fee revenue would be deposited into Fund 5G40, Adoption Services, and would help offset the costs of providing the adoption records. The Department already processes requests for records for adoptions prior to January 1, 1964. Implementing the changes in the bill may result in increased administrative costs. According to ODH, depending on the number of requests received, ODH may need to hire an additional staff person to process requests for adoption records.

On the other hand, there could be a reduction in administrative costs and loss of fee revenue for probate courts if individuals seek the adoption records from ODH. Probate courts may currently charge up to $50 to process an adoption record request.

Adoption records forms

The bill requires ODH to prescribe a contact preference form for biological parents. It also specifies the requirements for and the contents of the form, and requires ODH to place any completed forms received in the appropriate adoption file. These requirements could result in an increase in administrative costs for ODH.

The bill also requires ODH to: (1) attach a social and medical history form to each contact preference form it makes available to biological parents, (2) review each completed social and medical history form it receives and remove any identifying information or inaccurate information, and (3) file the form with the court that decreed the adoption. The bill expands current law to permit only the adoptive parents, during the minority of an adopted person, or only an adopted person upon reaching majority, to inspect the social and medical history forms. The bill permits an adopted person to

request ODH to disclose which court entered the interlocutory order or final decree of adoption. The social and medical history forms are provided by the Ohio Department of Job and Family Services and would be attached to the information request. If ODH is not currently reviewing the information on these forms, ODH could incur additional administrative costs.

Furthermore, the bill requires ODH to provide a biological parent written notification if ODH removes any information the biological parent includes on a social and medical history form. Providing written notification would likely increase administrative costs for ODH. On receipt of the notice, the biological parent may petition the probate court with which the form is filed to make a finding as to whether the removed information is permissible. On receipt of the petition, the probate court must issue its finding without holding a hearing. Probate courts could experience an increase in administrative costs if biological parents file a petition.

Delayed effective date of bill's provisions

The bill will take effect one year after the act's effective date. Fiscal impacts listed above will be delayed as a result.

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