

INSTRUCTIONS FOR FILING A PRIVATE ADOPTION

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list when filing a private adoption.

The private adoption procedure is used when the person to be adopted is not held in the custody of an agency or is not a stepchild. The procedure may be initiated in several manners (eg: Filing a Placement Application or filing a Petition for Adoption after a custody or guardianship order has been in place for six months)

The petitioner(s) for adoption must be represented by an attorney.

A fee of \$160.00 is required at the time of filing (if more than one child add \$12.00 per extra child as long as the children have the same biological mother and father). Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, money order, certified check, MasterCard, Discover, or American Express. No personal will be accepted.**

The forms may be obtained from the Issue Desk on the 9th floor of the Probate Court, 230 E. 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.

PROCEDURAL STEPS

STEP 1: Prior to filing the Petition for Adoption

Before a Petition for Adoption may be filed in a private independent case, there must be a proper legal placement.

Placement may occur by means of an Application for Placement, a guardianship order or a custody order.

Placement Application Filing fee \$35.00

The biological parent(s) shall complete the Application for Placement (H.C. 118.30).

The Application for Placement and ODHS Form 1693 shall be presented to the court for filing.

The matter shall be set for hearing before a magistrate.

The biological parent(s) must appear at the time of the hearing.

No application shall be heard until at least 72 hours has passed since the last visit between the assessor and the birth parent.

Also the prospective adoptive parents must have a completed an approved pre-placement home study.

The home study must be filed on the day of the hearing.

Note: The birth parent(s) may be represented by legal counsel. The birth parent(s) legal counsel **may not** be the same person who represents the prospective adoptive parents.

The cost of legal representation will be assessed to the prospective **adoptive parents**.

At the conclusion of the hearing the magistrate may grant or deny the Entry Approving Placement (H.C.118.31)

The magistrate may also sign the Hospital Release (H.C.118.32), which will authorize the hospital to release the baby to either the prospective adoptive parents or their attorney.

If the Entry Approving Placement is rendered, the attorney for the prospective adoptive parents may file the Petition for Adoption.

Placement by means of Guardianship or Custody

The prospective adoptive parents may secure a proper legal placement by means of a guardianship granted by Probate Court or a custody order granted by Juvenile Court.

The court order must be in place for 6 months prior to the filing of the Petition for Adoption.

STEP 2: Complete the following forms

Petition for Adoption of Minor Child (18.0)

- Complete form.
- Attach a certified copy of the minor's birth certificate.
- Attach a certified copy of the guardianship order or custody order, if applicable.

Entry Setting Hearing on Adoption (18.1)

- Fill in the name only, the magistrate will fill in hearing date & time and sign & date the form.

Affidavit (H.C. 118.10)

- Complete form. Petitioner(s) sign.
- Have form notarized.

Notice of Hearing on Petition for Adoption (18.2)

- If a birth parent/legal parent will not consent to the adoption and the parent's whereabouts **are known**, then notice must be served on the birth parent/legal parent by certified mail giving the parent notice of the hearing of the adoption proceedings. The court will issue the notice to the parent.
- Complete form, magistrate will fill in the date and time.
- The birth parent/legal parent must receive the notice at least 20 days before the hearing.
- If the whereabouts of the parent(s) **is not known** and an executed consent from that parent(s) has not been obtained, the petitioner will be required to file an affidavit which states what efforts have been made to locate the parents. The court will serve notice of hearing by publication. This procedure does not apply to putative fathers of children born after 1/1/1997. The cost of publication is \$90.00.

Ohio Putative Father Registry Certification

- If the child to be adopted was born after 1/1/1997 and birth mother was not married to birth father and no subsequent paternity determination was made after the birth of the child, the Court requires a Putative Father Registry Certification.
- The petitioner shall secure the certification from the Ohio Putative Father Registry no sooner than 30 days after the child has been born.
- The petitioner shall file the certification with the court.

Interstate Adoption Compact (ICPC Form 100A)

- This form must be supplied to the court whenever the child to be adopted was not born in the State of Ohio.
- Please confer with a magistrate regarding the applicability of this form.

ODHS Form 1693 (Ohio Law and Adoption Materials)

- Utilized at the time of the birth parent assessment.
- To be completed by the adoption social worker and the birth parent.

<ul style="list-style-type: none"> - The <u>originally</u> executed form must be filed with the Court at the time of filing the Petition for Adoption. - No birth parent, who resides in Ohio, can consent to the adoption of their child without completing this form.
<p>ODHS Form 1699 (Pre-Finalization Adoption Assessment Report)</p> <ul style="list-style-type: none"> - This report will be completed by the agency and filed with the Court 20 days prior to the hearing.
<p>ODHS Form 1616 (Social and Medical History Form)</p> <ul style="list-style-type: none"> - This form is to be completed by the birth parents and/or the adoption social worker. - It shall be submitted to the court by the attorney handling the adoption or the agency performing the home study. - This form must be filed in <u>duplicate</u>. - The Court will provide one copy to the petitioners.
<p>Report of Proposed Adoption/Home Study</p> <ul style="list-style-type: none"> - This is a psychological, social, criminal, medical and financial assessment of the petitioners. - This report is prepared by the agency upon completion of its investigation. - The report is filed with the Court. - It is confidential.
<p>Petitioner's Account (18.9)</p> <ul style="list-style-type: none"> - Complete form. - Need both Preliminary and Final. - The preliminary account shall be filed at the time of the initial hearing. - The final account shall be filed 10 days prior to the scheduled hearing date.
<p>Consent to Adoption (18.3)</p> <ul style="list-style-type: none"> - Complete form. - Have parent sign. The signature must be notarized. - If the child to be adopted is more than 6 months of age the consent must be taken in front of the probate court, if the parent executing the consent lives in Ohio. - The parent(s) must have completed their birth parent assessment at least 72 hours prior to the execution of the consent, if they live in Ohio. - If the prospective adoptive parent(s) is the custodian or guardian, they must also execute a consent to adoption.
<p>Entry Finding Consent Not Necessary (18.4)</p> <ul style="list-style-type: none"> - This form will be used in those cases where it is alleged that a parent's consent is not necessary because they have refused to communicate and support or failed to timely register with the putative father registry. - This entry will not be granted without proof of actual or constructive notice to the biological parents. - Complete form. - Magistrate will sign if approved.

<p>Statement of Adopted Person (H.C. 118.80)</p> <ul style="list-style-type: none"> - Fill in name only. - Magistrate will complete.
<p>Decision of Magistrate (H.C. 118.70)</p> <ul style="list-style-type: none"> - Fill in name only. - Magistrate will complete on day of hearing.
<p>Interlocutory Order of Adoption (18.5)</p> <ul style="list-style-type: none"> - Complete name only. - Filed when child has been in the home for at least 30 days following the date of the entry approving placement. - A hearing date is set for the Final Decree to be considered. - A post-placement home study will be ordered.
<p>Final Decree of Adoption (after interlocutory order) (18.6)</p> <ul style="list-style-type: none"> - Complete form. - Magistrate will sign on day of hearing. - Typically, the prospective adoptive parents do not appear. - At this hearing, their attorney's presence will be required.
<p>Final Decree of Adoption (without interlocutory order) (18.7)</p> <ul style="list-style-type: none"> - Complete form. - Magistrate will sign on day of hearing. - This decree will be used in the cases where placement was made by guardianship or custody orders. - The presence of the attorney, petitioner(s) and child is required.
<p>Adoption Certificate For Parents (18.8) (Note: Please only enter the child's adoptive name on this form.)</p> <ul style="list-style-type: none"> - Complete form. - Magistrate will sign on day of hearing.
<p>Vital Statistics – Certificate of Adoption</p> <ul style="list-style-type: none"> - Complete first part of form. - After the adoption has been granted, the clerk will complete a copy of this form (certification) and mail it to the Ohio Department of Health, who will issue an Ohio birth certificate.
<p>STEP 2: Reviewing of Forms and Setting of Hearing</p>
<p>When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court for a magistrate to be assigned. All forms are then taken to the available magistrate for review and setting of hearing date.</p>
<p>STEP 3: Filing of Forms with Cashier</p>
<p>All forms are taken to the cashier who will assign a case number. The appropriate fee is paid. The cashier will stamp the case number on all forms, retain and clock in all original forms that could be filed, and return originals that were unable to be filed back to you to bring to Court the day of the hearing. The cashier will stamp the case number on one set of copies and marked them "filed", if provided.</p>

If you have to notify a parent, then the original notice will be returned for you to serve a copy on the parent.

STEP 4: Day of Hearing

At the date and time of the hearing, you and your attorney should report to the 9th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed.)

The child to be adopted must appear.

If you had to serve a parent notice of the hearing or obtained the consent, the magistrate will need to be given these forms at the hearing.

The magistrate will conduct the hearing, and if the magistrate finds the petition should be granted, will issue an Interlocutory Order of Adoption or a Final Decree of Adoption, whichever is applicable.

STEP 5: Completion of Petition

The clerk will complete a copy of the Vital Statistics – Certificate of Adoption and send the copy to the Bureau of Vital Statistics in the state where the child(ren) was born, once the Final Decree of Adoption is granted.

If the child(ren) was **born in Ohio**, request a new birth certificate, in writing, along with a check for \$21.50 for each birth certificate, six weeks from the date of finalization, to the following:

**Bureau of Vital Statistics
Ohio Department of Health
246 North High Street
P. O. Box 15098
Columbus, Ohio 43215-0098**

Please note that it may take the Department of Health 4 months to respond to your request.

If the child(ren) was not born in Ohio, please contact the capital of the state where the child was born for further instructions.

THE INSTRUCTIONS GIVEN ARE APPLICABLE FOR A TYPICAL PRIVATE INDEPENDENT ADOPTION.

PLEASE NOTE THAT ATYPICAL FACT PATTERNS MAY DICTATE A CHANGE FROM THE AFOREMENTIONED PROCEDURE.

IF THERE ARE ANY EXTRAORDINARY FACTS REGARDING YOUR PRIVATE INDEPENDENT ADOPTION, PLEASE CONTACT A MAGISTRATE TO DETERMINE THE PROPER COURT PROCEDURE FOR YOUR CASE.