

# INSTRUCTIONS FOR FILING A STEP-PARENT ADOPTION

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

These instructions should be considered to be the norm for typical step-parent adoptions. Please note that at different fact patterns may dictate a change from the aforementioned procedure. Should the facts of your step-parent adoption be different from those of an “ordinary” adoption please contact a magistrate to determine if any other pleadings are required.

The non-custodial parent must either consent to the adoption or the Court must find the consent of the non-custodial parent is not necessary for failure to communicate and/or support.

The child must be in the home for 6 months before finalization. Proper legal placement begins on the date of the marriage in step-parent adoption situations.

A home study must be completed by a Court approved agency before the hearing date.

List of approved agencies and phone numbers can be obtained at the Issue Desk or from this website.

A fee is required at the time of filing (if more than one child, additional charges may apply). Current Court Costs are posted at:

<https://www.probatect.org/about/general-resources>.

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 checks will be accepted.**

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

## PROCEDURAL STEPS

### STEP 1: Complete the following forms

Petition for Adoption of Minor Child (18.0)

- Complete form.
- Attach a certified copy of the birth certificate.

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.
- Have form notarized.

Notice of Hearing on Petition for Adoption (18.2)

- Complete form.
- If a parent will not consent, then a copy of the notice must be served by certified mail on the parent giving him/her notice of the hearing of the adoption proceedings. The notice should allege why the parents consent is not necessary.
- The probate court will serve notice on the non-custodial parent by certified mail. If the whereabouts of

<p>the non-custodial parent is unknown, notice of the hearing shall be served by publication. The petitioner will file an affidavit, which states what efforts have been made to locate the non-custodial parent. There is a cost for publication.</p> <ul style="list-style-type: none"> <li>- If both parents have consented to the adoption do not complete Form 18.2.</li> </ul>
<p>Ohio Putative Father Registry Certification</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- The petitioner shall request the certification no sooner than 30 days after the child has been born. The petitioner shall file the certification with the court.</li> </ul>
<p>Home study</p> <ul style="list-style-type: none"> <li>- You will hire the agency to perform the home study.</li> <li>- You will pay the fee charged by the agency.</li> <li>- The agency selected must be on the Court's approved list of agencies.</li> <li>- This is a psychological, social, criminal, medical and financial assessment of the petitioners.</li> <li>- This report is prepared by the agency upon completion of its investigation.</li> <li>- The report is filed with the Court.</li> <li>- It is confidential.</li> </ul>
<p>Consent to Adoption (18.3)</p> <ul style="list-style-type: none"> <li>- The custodial parent must sign this form in front of a notary.</li> <li>- The non-custodial parent, who is willing to consent to the adoption, must sign this form in front of a notary.</li> </ul>
<p>Entry Finding Consent Not Necessary (18.4)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- The magistrate will determine whether consent to the adoption is or is not necessary.</li> </ul>
<p>Statement of Adopted Person (H.C. 118.80)</p> <ul style="list-style-type: none"> <li>- Fill in name only.</li> <li>- Magistrate will complete.</li> </ul>
<p>Decision of Magistrate (H.C. 118.70)</p> <ul style="list-style-type: none"> <li>- Fill in name only.</li> <li>- Magistrate will complete on day of hearing.</li> </ul>
<p>Final Decree of Adoption (Without Interlocutory Order) (18.7)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- Magistrate will sign on day of hearing.</li> </ul>
<p>Adoption Certificate For Parents (18.8)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- Magistrate will sign on day of hearing.</li> </ul>
<p>Vital Statistics – Certificate of Adoption</p> <ul style="list-style-type: none"> <li>- Complete the form.</li> <li>- After the adoption has been granted, the clerk will complete the certification and mail it to the Ohio Department of Health who will issue an Ohio birth certificate.</li> </ul>
<p><b>STEP 2: Reviewing of Forms and Setting of Hearing</b></p>
<p>When all forms have been completed, present them to the magistrate’s assistant at the information desk on the 9<sup>th</sup> 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>

**STEP 3: Filing of Forms with Cashier**

All forms are taken to the cashier who will assign a case number.

At this time, the cashier will require the payment of the filing fee.

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.

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

**STEP 4: Day of Hearing**

At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 9<sup>th</sup> 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 also 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 enter an order of adoption.

The original papers shall be filed, with the cashier.

The cashier will determine if any additional filing fees are due.

**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.

If the child(ren) was **born in Ohio**, request a new birth certificate, in writing, along with payment (please check with the Bureau of Vital Statistics for current pricing and payment options), 30 days 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**

The new birth certificate should be received in 4 months.

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