

INSTRUCTIONS FOR FILING A PETITION FOR ADOPTION OF ADULT

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

In accordance with R.C. 3107.02, a petition for adoption of adult may only be filed if:

- Adoptee is totally and permanently disabled;
- Adoptee was determined to be an intellectually disabled person; or
- Adoptee established a foster child-foster parent, kinship caregiver, or stepchild-stepparent relationship with petitioner as a minor.
- Adoptee is a child of the spouse of the petitioner and consents to the adoption.

A fee is required at the time of filing. 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. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

The forms may be obtained from the Information 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: Complete the following forms
Self-Representation Form (270.01) - Sign and Complete information if you do not have legal representation
Petition for Adoption of Adult (Form 19.0) - Complete form - Attach a certified copy of the adoptee's birth certificate.
Judgment Entry Setting Hearing (H.C. Form 19.01) - Fill in the caption only. - The hearing date will be assigned by the magistrate
Consent to Adoption (Form 18.3) - Need consent from the petitioner(s). - Need consent from adult being adopted.
Statement of Adopted Person (H.C. 118.80) - Fill in caption only.
Decision of Magistrate (H.C. 118.70) - Fill in caption only. - Magistrate will complete the form on the day of the hearing.
Final Order of Adoption of Adult (19.1) - Complete form. - Magistrate will sign completed form on the day of the hearing; if the petition is granted.
Adoption Certificate for Parents (18.8) - Complete form. - Magistrate will sign form on the day of the hearing.
Vital Statistics – Certificate of Adoption

- Complete first part of form.
- If 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 a new birth certificate.

Petitioner Information Form (118.78)

- Complete the form.

STEP 2: Assigning of Magistrate, reviewing of forms and setting of hearing

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.

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.

STEP 4: Day of Hearing

At the date and time of the hearing, the petitioner(s), your attorney (if attorney is obtained) and the adult adoptee 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). If you had to obtain consents you will give them to the magistrate. The magistrate will conduct the hearing, and if the magistrate finds the petition should be granted, will issue an order finalizing the adoption.

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 adult was born. If the adult 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 approximately 4 months.

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

A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.
2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.
3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.
4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.
5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.
6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

Fiduciary/Applicant/Guardian

Typed Printed Name

Address

City/State/Zip

Telephone Number (include area code)

Email

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION OF _____
(Name after adoption)
CASE NO. _____

**PETITION FOR ADOPTION OF ADULT
[R.C. 3107.02]**

The undersigned respectfully petitions the Court for permission to adopt _____
an adult, and to have the adult's name changed to _____.

The Petitioner may adopt because the adult:

- ☐ is totally and permanently disabled.
- ☐ is determined to be a person with an intellectual disability/developmental disability under R.C. 5123.01
- ☐ has established a child-foster caretaker, kinship caregiver or child-stepparent relationship with the petitioner as a minor.
- ☐ was, at the time of the adult's eighteenth birthday, in the permanent custody of or in a planned permanent living arrangement with a public children services agency or a private child placing agency.
- ☐ is the child of the spouse of the petitioner.

Attorney for Applicant

Petitioner

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip Code

City State Zip Code

Phone Number (include area code)

Phone Number (include area code)

Attorney Registration No.

Email Address

ENTRY

This cause is set for hearing on the _____ day of _____, 20____
at _____ o'clock _____.M.

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION OF _____
(Name after adoption)
CASE NO. _____

JUDGMENT ENTRY SETTING HEARING

This cause is set for hearing on the _____ day of _____,
at _____ o'clock _____ M. in Room _____.

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION _____

(Name after adoption)

CASE NO. _____

CONSENT TO ADOPTION

[R.C. 3107.06, 3107.08 & 3107.081]

The undersigned _____

[check one of the following seven capacities by which your consent is given]

- ☐ Mother
- ☐ Father
- ☐ Parent
- ☐ Putative father who has registered under R.C. 3107.062
- ☐ Agency having permanent custody
- ☐ Minor, who is more than twelve years of age (this consent must be executed in the presence of the Court)
- ☐ Other

hereby waives notice of the hearing on the Petition For Adoption to be filed in the court, and consents

to the adoption of _____

(Name before adoption)

as proposed in the petition.

The undersigned further states that this consent is voluntarily executed irrespective of disclosure of the name or other identification of the prospective adopting parents.

Sworn to before me and signed in my presence this _____ day of _____, _____

Person authorized pursuant to R.C. Chapter 3107
to take this acknowledgement

Title

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION _____

(Name after adoption)

CASE NO. _____

CONSENT TO ADOPTION

[R.C. 3107.06, 3107.08 & 3107.081]

The undersigned _____

[check one of the following seven capacities by which your consent is given]

- ☐ Mother
- ☐ Father
- ☐ Parent
- ☐ Putative father who has registered under R.C. 3107.062
- ☐ Agency having permanent custody
- ☐ Minor, who is more than twelve years of age (this consent must be executed in the presence of the Court)
- ☐ Other

hereby waives notice of the hearing on the Petition For Adoption to be filed in the court, and consents

to the adoption of _____

(Name before adoption)

as proposed in the petition.

The undersigned further states that this consent is voluntarily executed irrespective of disclosure of the name or other identification of the prospective adopting parents.

Sworn to before me and signed in my presence this _____ day of _____, _____

Person authorized pursuant to R.C. Chapter 3107
to take this acknowledgement

Title

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION _____

(Name after adoption)

CASE NO. _____

CONSENT TO ADOPTION

[R.C. 3107.06, 3107.08 & 3107.081]

The undersigned _____

[check one of the following seven capacities by which your consent is given]

- ☐ Mother
- ☐ Father
- ☐ Parent
- ☐ Putative father who has registered under R.C. 3107.062
- ☐ Agency having permanent custody
- ☐ Minor, who is more than twelve years of age (this consent must be executed in the presence of the Court)
- ☐ Other

hereby waives notice of the hearing on the Petition For Adoption to be filed in the court, and consents

to the adoption of _____

(Name before adoption)

as proposed in the petition.

The undersigned further states that this consent is voluntarily executed irrespective of disclosure of the name or other identification of the prospective adopting parents.

Sworn to before me and signed in my presence this _____ day of _____, _____

Person authorized pursuant to R.C. Chapter 3107
to take this acknowledgement

Title

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION OF _____
(Name after adoption)
CASE NO. _____

FINAL ORDER OF ADOPTION OF ADULT

This day this cause came on to be heard on the petition of _____
_____ to adopt _____
_____, an adult, and on the evidence.

On consideration thereof the Court finds R.C. 3107.02(B) _____

_____ and that the adoption should be granted.

It is ordered that the name of the adopted adult be changed to _____

It is therefore ordered that a final decree of adoption be, and the same is hereby entered herein.

It is further ordered that at the time a Certificate of Adoption, certified by the Court, be forwarded to the State Department of Health, Division of Vital Statistics at _____

It is further ordered that a copy of this decree be forwarded to the Ohio State Department of Human Services for statistical purposes.

Date

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION OF _____
(Name after adoption)
CASE NO. _____

STATEMENT OF ADOPTED PERSON

THE CHILD NAMED IN THIS ADOPTION IS:

- ☐ A minor who became available or potentially available for adoption on or before September 18, 1996 (R.C. 3107.39) and at least one of the biological parent(s) consented to the adoption or a probate court entered a finding the biological parent(s) consent was not necessary.
- ☐ A minor who became available for adoption after September 18, 1996 (R.C. 3107.45)

EXCLUSIONS FOR ODHS DISCLOSURE

- ☐ Foreign adoption finalized in another country and re-finalized in Ohio.
- ☐ Foreign adoption finalized in Ohio only.
- ☐ Step-parent adoption.
- ☐ Involuntary surrender/court commitment
- ☐ Other (please specify) _____

Ralph Winkler, Probate Judge

By: _____
Deputy Clerk

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION OF _____
(Name after adoption)
CASE NO. _____

DECISION OF MAGISTRATE

TO THE HONORABLE RALPH WINKLER, JUDGE OF THE HAMILTON COUNTY PROBATE COURT:

Pursuant to a prior order filed in Administrative Docket 91008, directing a reference to me to hear and determine according to law matters pertaining to adoptions, I proceeded to hear and examine the evidence in the captioned matter, and respectfully submit the following decision.

This matter came on for hearing on the _____ day of _____, _____, on the Petition for Adoption and change of name of _____, at which time I proceeded to examine the petitioner(s) _____, the report of investigation, and the entire record; and being fully advised in the premises, I find that lawful notice of the time and place of this hearing has been given to all persons entitled to notice or that notice has been duly waived.

I further find that the evidence supports all of the relevant allegations of the petition and that the petitioner(s) _____ is (are) suitable and qualified to care for and rear the child(ren) and that the best interests of the child(ren) will be served by the adoption.

Respectfully submitted,

Magistrate

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ADOPTION OF: _____

CASE NO. _____

**ENTRY ORDERING CERTIFICATE OF ADOPTION TO BE
RELEASED TO THE OHIO DEPARTMENT OF HEALTH
BUREAU OF VITAL STATISTICS**

The petition for adoption having been granted in this matter, the Court orders the clerk to forward Certificate of Adoption (HEA 2757) and all necessary information to the Ohio Department of Health Bureau of Vital Statistics for the issuance of a revised birth certificate for the above named minor(s).

Ralph Winkler, Judge

INFORMATION PROVIDED ON THIS FORM IS
TO BE USED TO ESTABLISH A NEW CERTIFICATE
OF BIRTH FOR THE ADOPTED CHILD.

Ohio Department of Health
VITAL STATISTICS
CERTIFICATE OF ADOPTION

State Use Only

Original SFN _____
Amended SFN _____
Envelope # _____
AFS # _____

CHILD'S PERSONAL DATA

1 Name of Child **BEFORE** Adoption 2 Date of Birth (Month, Day, Year) 3 Sex 4 Place of Birth (City, County, State or Foreign Country)

Child's Name After Adoption

First Name

Middle Name

Last Name

ADOPTIVE PARENT(S)' PERSONAL DATA

The following information provided below will be used to create the new birth record. List information as it existed on child's date of birth.

Choose One
Mother Father Parent

Relation to Child
Adoptive Natural

Choose One
Mother Father Parent

Relation to Child
Adoptive Natural

Current First Name

Current First Name

Current Middle Name

Current Middle Name

Current Last Name

Current Last Name

Last Name Prior to First Marriage

Last Name Prior to First Marriage

Date of Birth (Month, Day, Year)

Birth Place (State or Foreign Country)

Date of Birth (Month, Day, Year)

Birth Place (State or Foreign Country)

Parent(s) Residence at Time of Child's Birth (Number and Street)

City

County

State

Zip Code

Inside City Limits (Yes or No)

Foreign Adoptions Only (Information from Original Birth Record)

Time of Birth

Hospital/Birthing Facility

Registrar's Name & Date Filed by Registrar (Month, Day, Year)

Attendant's Name (M.D., D.O., C.N.M., Other Midwife) & Date Signed

Certification

Probate Court, _____ County, Ohio

I hereby certify that the child named above was adopted on _____ (Date)

by _____ (Name(s) of Petitioner(s))

as set forth in the final decree of adoption, Case No., _____

Date _____

Probate Judge _____

Deputy Clerk _____

