INSTRUCTIONS FOR REGISTRATION OF A FOREIGN BIRTH RECORD

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list when filing an application for registration of a foreign birth record.

A person who has adopted a child pursuant to an adoption decree or certificate of adoption issued outside the United States and recognized in this state, may request the Probate Court in the county in which the person resides to order the Department of Health to register the foreign decree and to issue an Ohio birth certificate pursuant to R.C. 3705.12(A)(4).

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 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, www.probatect.org.

PROCEDURAL STEPS

STEP 1: Complete the following forms
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation
Application for Registration of Foreign Birth Record (Form 19.2) - Complete form. - Have form notarized
Foreign record - Attach copy of the birth records and foreign adoption decree or certificate of adoption issued by the foreign country. Attach a copy of the English translation which has been certified as to its accuracy by the translator.
Statement of Adopted Person (Form H.C. 118.80) - Fill in name only. - Magistrate will complete.
INS approval - The applicant must also submit proof that the Department of Immigration and Naturalization has approved the foreign certificate or adoption decree. Proof may be by means of INS Form I-171, a copy of the child's resident alien visa card, or any other documentation the Court deems suitable.

Order Granting Registration of Foreign Birth Record (Form 19.3)

- Complete form.
- Magistrate will sign completed form, if granted.

Certificate of Foreign Birth Registration (Form 18.82)

- Complete the form.
- If 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.

STEP 2: 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 a magistrate for review of the pleadings.

STEP 3: Filing of Forms with Cashier

If the foreign birth registration is granted, 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.
The cashier will stamp the case number on one set of copies and marked them "filed", if provided.

STEP 4: Completion of Petition

The clerk will submit a certified copy of the Order Granting Registration of Foreign Birth Record and the Certificate of Foreign Birth Registration to the Ohio Department of Health. You may request a birth certificate from the Ohio Department of Health 30 days after the issuance of the order granting registration of the foreign birth record. You need to send a check (verify with Vital Statistics the current cost) 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 several months to respond to your request.

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

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 TO RECOGNIZE FOREIGN ADOPTION

[R.C. 3107.18]

[Check applicable boxes, complete blanks, strike inapplicable language, and attach supporting documentation]

The Petitioner(s) is/are the adoptive parent(s) of a minor child pursuant to a Foreign Decree or Certificate of Adoption and state that:

PETITIONER(S)

Petitioner's Full Name: _____

Petitioner's Full Name: _____

Residence: _____

Duration of Residence: _____

Marital Status: _____

Date and Place of Marriage: _____

ADOPTED CHILD

Name of Child before Adoption: _____

Name of Child after Adoption: _____

Date and Place of Birth: _____

Attached is a certified copy of the child's Birth Certificate, and if not in English, also attached is a translation certificate as to its accuracy by the translator.

A Foreign Decree or Certificate of Adoption in compliance with the laws of the Country of_____

was issued by (Name of Court) _____ in Case Number _____

on the _____ day of _____, 20____, as evidenced by:

- ☐ IR - 3
- ☐ IH - 3
- ☐ Successor Immigrant Visa

CASE NO. _____

Attached is certified copy of the Foreign Decree or Certificate of Adoption which has been verified and approved by the Immigration and Naturalization Service of the United States, and if not in English, also attached is a translation certified as to its accuracy by the translator.

Attached is a fully completed Ohio Department of Health, Division of Vital Statistics, and Certificate of Adoption.

The Petitioner(s) state that giving effect to the Foreign Decree or Certificate of Adoption would not violate the public Policy of the State of Ohio and respectfully pray for the following Order(s).

☐ An Order that the child's name be changed to:

_____

☐ An Order to the Ohio Department of Health to issue a new birth record for the adopted person under R.C. 3705.12(A)(1)

☐ Other:

_____

_____
Attorney for Petitioner

_____
Typed or Printed Name

_____
Street Address

_____
City State Zip Code

_____
Telephone Number (include area code)

Attorney Registration No. _____

_____
Petitioner

_____
Typed or Printed Name

_____
Petitioner

_____
Typed or Printed Name

_____
Street Address

_____
City State Zip Code

_____
Telephone Number (include area code)

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. _____

ORDER FOR OHIO BIRTH RECORD FOR FOREIGN BORN CHILD

This matter came on to be heard on the _____ day of _____ 20 _____ upon the Petition to Recognize Foreign Adoption filed by _____

_____

The Court finds the petitioner(s) has/have complied with the requirements of R.C. 3107.18 and giving effect to the Decree or Certificate of Adoption that was issued under the laws of a foreign country would not violate the public policy of the State of Ohio.

It is therefore ORDERED that:

☐ A Final Decree recognizing the Foreign decree of Certificate of Adoption is entered, herein;

☐ An Interlocutory Decree recognizing the Foreign Decree or Certificate of Adoption is Entered herein which, unless vacated, shall become final on _____.

☐ The childs name shall be changed from: _____ to _____.

☐ The Ohio Department of Health shall issue a new birth record for the child pursuant to R.C.3705.12(A)(1).

☐ Other _____

_____

_____

_____ _____

Date 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 _____

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