INSTRUCTIONS FOR FILING A PETITION FOR READOPTION

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

If you adopted your child in a foreign country, the Probate Court of Hamilton County is permitted to conduct readoption proceedings pursuant to revisions in R.C. 3107.18 effective May 15, 1996. This procedure allows the adoptive parents to receive an Ohio Adoption Decree and an Ohio Birth Certificate.

The readoption cannot be granted for 6 months from the date the foreign decree of adoption was granted.

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 Minor Child (18.0) - Complete form. Foreign record - Attach copy of the foreign birth record and adoption decree or certificate of adoption. If the foreign decree or certificate of adoption is not in English, a translation certified as to its accuracy by the translator shall also be submitted. 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.
Entry Setting Hearing on Readoption (H.C. 118.03) - Fill in the name only. The magistrate will fill in hearing date and time, and sign and date the form.
Affidavit (H.C. 118.10) - Complete form. - Have form notarized. Petitioner's Account (18.9) - Complete form. - List all expenses incurred after the foreign adoption was completed for INS purposes.

Statement of Adopted Person (H.C. 118.80)
- Fill in name only.
- Magistrate will complete.

Decision of Magistrate (H.C. 118.70)
- Fill in name only.
- Magistrate will complete on day of hearing if readoption granted.

Final Decree of Adoption (Without Interlocutory Order) (18.7)
- Complete form.
- Magistrate will sign on day of hearing if readoption granted.

Adoption Certificate For Parents (18.8)
- Complete form.
- Magistrate will sign on day of hearing.

Vital Statistics – Certificate of Adoption
- 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.

Petitioner Information Form (118.78)
- Complete the form.

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 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, you (and your attorney, if attorney is obtained) 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 magistrate will conduct the hearing to determine whether the order granting the readoption should be granted.

STEP 5: Completion of Petition

The clerk will complete a copy of the Vital Statistics – Certificate of Adoption and send the copy to Bureau of Vital Statistics. You must 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 15098Columbus, Ohio 43215-0098

The new birth certificate should be received in approximately 4 months.

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 FOR ADOPTION OF MINOR
[R.C. 3107.05]

The undersigned petitions to adopt_____,

a minor, and to change the name of the minor to_____.

PETITIONER

The petitioner states the following:

Full Name:_____ Age_____

Full Name:_____ Age_____

Place of Residence:_____
Street Address

_____

_____
Post Office State Zip Code Duration of residence

Marital Status:_____ Date and Place of Marriage:_____

Relationship of Minor to Petitioner:_____

The petitioner has facilities and resources suitable to provide for the nurture and care of the minor and it is the desire of the petitioner to establish the relationship of parent and child with the minor.

MINOR TO BE ADOPTED

Birth Name:_____ Date of Birth:_____

Place of Birth:_____ Property and Value:_____

☐ The minor is living in the home of the petitioner, and was placed therein for adoption on the _____ day of _____, _____ by _____

☐ The minor is not living in the home of the petitioner, and resides at_____
_____

A certified copy of the birth certificate of the minor is filed with this petition or is not available due to the following:

_____

_____.

A Preliminary Estimate Accounting (Form 18.9), if required, is filed with this petition.

☐ The minor is in the permanent custody of_____
whose address is_____.

☐ The guardian ad litem during the permanent custody proceedings was _____
whose address is _____.

☐ The attorney representing the minor during the permanent custody proceedings was _____
_____
whose address is _____.

☐ A child support order exists and is administered by the _____ County Child Support Agency.

PERSONS OR AGENCIES WHOSE CONSENT TO THE ADOPTION IS REQUIRED

☐ Name:_____ Relationship:_____Age, if minor _____
Address:_____ ☐ Consent filed

☐ Name:_____ Relationship:_____Age, if minor _____
Address :_____ ☐ Consent filed

☐ _____, the agency has permanent
Custody of the minor filed under _____, _____ ☐ Consent filed

PERSONS WHOSE CONSENT TO THE ADOPTION IS NOT REQUIRED

☐ No person registered with Ohio's putative father registry within 15 days of the minor's birth. See verification attached.

A The consent of_____
Name Address Relationship

B The consent of_____
Name Address Relationship

is/are not required because:

A **B**

☐ ☐ The parent has failed without justifiable cause to have more than de minimis contact with the minor.

☐ ☐ The parent has failed without justifiable cause to provide meaningful and regular maintenance and support of the minor as required by law or judicial decree for the period of at least one year immediately preceding the filing of the adoption petition.

☐ ☐ The person meets the criteria set forth under subsection _____ of R.C. 3107.07 and therefore the person's consent is not required.

CASE NO. _____

_____
Attorney for Petitioner

_____
Typed or Printed Name

_____
Street Address

_____
City State Zip Code

_____
Phone Number (include area code)

Attorney Registration No. _____

_____
Petitioner

_____
Typed or Printed Name

_____
Petitioner

_____
Typed or Printed Name

_____
Street Address

_____
City State Zip Code

_____
Phone Number (include area code)

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ADOPTION OF _____
(Name after adoption)

CASE NO. _____

ENTRY SETTING HEARING ON READOPTION

This day _____
filed a petition to readopt _____
and to change the narne(s) of the child(ren) to _____
_____

It is ordered that _____ day of _____, _____, at _____ o'clock _____.M. in Room _____ is the date and time for the hearing of the petition for readoption

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ADOPTION OF _____
(Name after adoption)

CASE NO. _____

FINAL DECREE OF ADOPTION
(Without Interlocutory Order)
[R.C. 3107.02, 3107.14 & 3107.19]

On _____, this matter came on to be heard on the petition of _____ for the adoption and change of name of the minor being adopted.

The Court finds that notice has been given to all parties; that all consents have been filed or have been found not required; that the allegations in the petition are true; that the minor has been lawfully placed in the home of the petitioner; that the minor has lived in the home of the petitioner for six months as required by law; that a report of the assessor has been filed and is approved; that the adoption is in the best interest of the minor being adopted; that the accountings, as required, have been filed, reviewed and approved, and that the minor is an adopted person.

It is therefore ordered that the Petition for Adoption is granted, and that the name of the minor is changed to _____.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ADOPTION OF _____
(Name after adoption)

CASE NO. _____

ADOPTION CERTIFICATE FOR PARENTS

This is to certify, that in an action pending in this Court, on a petition filed by _____

_____

to adopt _____

a minor, satisfactory evidence was submitted to prove, and the Court found, that the minor was born on the _____ day of _____, _____, at _____ and that all necessary proceedings relative to an adoption were complied with; and the Court on the _____ day of _____, _____, decreed that the minor is legally adopted by _____ and the minor's name is changed to _____ in the records of the Court.

WITNESS my signature and seal of said Court,

this _____ day of _____, _____.

_____
Ralph Winkler, Probate Judge

By: _____
Deputy Clerk

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ADOPTION OF_____
(Name after adoption)

CASE NO._____

PETITIONER'S ACCOUNT
(R.C. 3107.055)

☐ PRELIMINARY ESTIMATE ACCOUNTING
(To be filed not later than date petition filed)

☐ FINAL ACCOUNTING
(To be filed not later than 10 days prior to date of final hearing)

This accounting specifies all disbursements of anything of value the petitioner, a person on the petitioner's behalf, and the agency or attorney made and have agreed to make in connection with the minor's permanent surrender under division (B) of Section 5103.15 of the Revised Code, placement under Section 5103.16 of the Revised Code, and adoption under Chapter 3107. (Attach extra sheets if necessary)

DATE	NAME AND ADDRESS	DISBURSEMENTS MADE OR AGREED TO BE MADE	ACTUAL COSTS
	PHYSICIAN		
	HOSPITAL/MEDICAL FACILITY		
	ATTORNEY		
	ACTUAL COST TO THE ATTORNEY		
	AGENCY		
	ACTUAL COST TO THE AGENCY		
	MAINTENANCE AND MEDICAL CARE REQUIRED UNDER R.C. 5103.15		
	EXPENSES PURSUANT TO R. C. 3107.055(C)(9)		
	FOSTER CARE		
	GUARDIAN AD LITEM		
	COURT COSTS		
	ALL OTHER DISBURSEMENTS		
	TOTAL		

CASE NO. _____

[Reverse of Form 18.9]

CERTIFICATION OF PETITIONER'S ACCOUNT

The undersigned certifies this_____ day of_____, _____, that this accounting is true and accurate.

_____
Attorney or Agency

_____
Typed or Printed Name

_____
Address

_____
City State

_____
Telephone Number (include area code)

The petitioner has reviewed this accounting and attests to its accuracy this _____ day of _____ , _____.

_____
Petitioner

_____
Petitioner

ORDER APPROVING PETITIONER'S ACCOUNT

The Petitioner's Account filed in accordance with R.C. 3107.55 is hereby approved.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ADOPTION OF _____
(Name after adoption)

CASE NO. _____

AFFIDAVIT

(R.C. 3127.23)

State of Ohio, County of _____ S.S.

Upon being duly sworn. _____ does hereby state the following:
(Name)

1. The child(ren) involved is/are _____

_____

2. The child(ren)'s present address is/are _____

_____

3. The places where the child(ren) has/have lived the last five years are _____

_____

4. The names and present addresses of the persons with whom the child(ren) has/have lived during that period is/are _____

5. I have/have not participated as a party, witness, or in any other capacity or any other litigation concerning the allocation of parental rights and responsibilities of the same child(ren) or that otherwise concerned the custody in this or any other State.

6. I have/have no information of any parenting proceeding concerning the child(ren) pending in a court of this or any other State.

7. I know/do not know person(s) not a party to the proceeding concerning the child(ren) or claims to be a parent of the child(ren) who is designated the residential parent and legal custodian of the child(ren or to have visitation rights with respect to the child(ren) or any person other than a parent of the child(ren) who has custody or visitation rights with respect to the child(ren).

8. I have/have not been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being abused or neglected nor have I been the perpetrator of the abusive or neglectful act that was the basis of an adjudication that a child is an abused or neglected child.

If your declarations in statements 5 through 8 are in the affirmative, state the case name(s), case number(s), date(s) and nature of the cases(s) _____

_____

_____

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

_____
Notary Public

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 _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ADOPTION OF_____

CASE NO. _____

PETITIONER INFORMATION FORM
(To be filed with final pleadings)

CURRENT ADDRESS: _____
STREET **CITY** **ZIP**

TELEPHONE NUMBER(S):_____
(INCLUDING AREA CODES)

EMAIL ADDRESSES: _____

_____

IS THERE A CHILD SUPPORT CASE? _☐_ YES _☐_ NO

CASE NO. _____ SETS NO._____

NAME OF COURT ISSUING ORDER:_____

ADDRESS:_____
STREET CITY ZIP

DATE: _____ _____
PETITIONER'S SIGNATURE

_____
PETITIONER'S SIGNATURE