

Juvenile and Family Law

H.B. 5

Primary Sponsors: Reps. Ray and Baker

Effective date: March 20, 2024

- Makes various changes to Ohio’s Adoption Law, including the following:
 - Permits a public children services agency (PCSA) or private child placing agency (PCPA) to accept the voluntary permanent surrender of a child by the child’s parents while the child is in the agency’s temporary custody;
 - Makes changes to the requirements governing who may adopt and requires spousal *consent* (instead of *support*) in certain cases;
 - Permits adult adoption of a person with a developmental disability (rather than solely an intellectual disability);
 - Makes various changes to provisions governing consent to adoption and when consent is not required;
 - Requires the court to apply the time a child has lived in the home of a relative, kinship caregiver, legal custodian, or guardian (in addition to the child’s foster caregiver in continuing law) who is adopting the child before that person filed the adoption period toward the six-month waiting period required before an adoption is final;
 - Requires the court to notify any agency with permanent custody of the child to be adopted of an adoption petition filing and the adoption hearing;
 - Revises the language required in notices of the filing of an adoption petition and to certain requirements of adoption proceedings regarding closed hearings and recordkeeping;
 - Increases from \$3,000 to \$6,000 the maximum amount that an adoption petitioner may disburse to the birth mother for living expenses incurred during pregnancy;
 - Permits a court to reconsider and vacate the adoption decree of a child if there is clear and convincing evidence the child was a victim of trafficking in persons;
 - Makes various other changes regarding the issuance and appeal of adoption decrees;
 - Allows for a foreign decree of adoption to be accepted and considered final in Ohio if certain conditions are met, rather than requiring the adoptive parent to petition the court for finalization;
 - Applies the best interest factors set forth in the law governing contested adoptions to other Adoption Law provisions where “best interest” was not defined;
 - Adds and removes adoptions by certain individuals (e.g., by a child’s adult sibling or grandparent) as being exempt from aspects of the adoption procedure.