

INDEPENDENT or RELATIVE ADOPTION PLACEMENT & PETITION INSTRUCTIONS

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list when filing a Petition for Adoption

Forms are available on the website, **www.portagecounty-oh.gov**. All documents must be completed with the **full** names of all parties and must be typed, single-sided, and not stapled together; original signatures are required per L.R. 57.2. Please also refer to the Court's Local Rule 78.5.

An independent adoption procedure is filed when the minor being adopted is not held in the custody of an agency or is not a stepchild. Before a Petition for Adoption may be filed in a private/independent case, there must be proper legal placement. If placement is needed, the placement forms need to be filed for the petitioners and for the natural parents before proceeding with the Petition. A hearing will be held.

If legal placement has already taken place in another Court, the Petition for Adoption may be filed with a certified copy of the Court Order; see next page for Petition filings. The Court will review the filings and determine if a placement hearing is necessary.

****Petitioners and birth parents must be represented by separate attorneys for the Placement Hearing****

PETITIONER'S PRE-PLACEMENT APPLICATION – should be filed prior to the birth of the child to be adopted to allow time for the Pre-Placement Home Study to be completed by Court's Assessor.

- ☐ Petitioner's Pre-Placement Application
- ☐ Certified copy of Custody Order or Guardianship Order (if applicable)
- ☐ Agreement to Pay Expenses
- ☐ BCI & FBI Background Checks completed within 90 days of filing
- ☐ Completed Pre-Placement Home Study, JFS 1673 (if available) w/a copy of the Verification of Assessor's Qualifications. If not available, the Court's Assessor will schedule and complete the Home Study prior to the hearing.
- ☐ Putative Father Registry Certification results (if available or **must be** filed prior to the hearing)

If filing for an unborn child, the adoptive parents shall call the Court immediately when the child is born so the placement hearing can be scheduled. The hearing shall be scheduled at a time no sooner than 72 hours from birth. If publication is necessary, hearing may need to be scheduled to allow time for publication.

NATURAL PARENT APPLICATION FOR PLACEMENT can be filed prior to birth with the Petitioner's Pre-Placement Application. The Consent will be held for the hearing.

- ☐ Notice of Appearance
- ☐ Natural Parent Application for Placement
- ☐ Summary of General Rights of Biological Parent/Child
- ☐ Consent to Adoption form 18.3 – **to be signed by parent at the Placement Hearing.**

The Court's Adoption Assessor will arrange to meet with the birth parents prior to the hearing to provide JFS materials, which includes completing the Ohio Law & Adoption Materials JFS form 1693 and a Social and Medical

History. If the JFS 1693 and Social and Medical History were completed by an Assessor outside of this Court, they will need to be filed for the placement hearing.

Notice of Placement Hearing:

Notice of the Placement hearing will be given to the Petitioners, the biological parents, and all Attorneys. If the child is a newborn, the hearing is scheduled no sooner than 72 hours from birth; personal service may be necessary due to time constraints. If certified mail or publication is necessary, the hearing will be scheduled accordingly. An Affidavit and an Order for Service by Publication shall be filed if publication is necessary.

Hearing & Post Hearing

After it is determined that proper service has been made on all parties, the Court may issue an Order approving the petitioners to adopt and placing the child for adoption. If the Placement Order is issued before the final Putative Father search has been completed and filed, the Court will issue the Order stating, "at risk placement".

If the newborn child is still in the hospital, the Court may issue an Order to the hospital to release the child to the petitioner(s).

THE PETITION FOR ADOPTION may be filed if legal placement has already been made or shall be filed within 30 days of the Probate Court's placement Order. The Petition should include the biological parents names, addresses and whether they have consented, or if their consent is not required. If the biological parents did not appear in Court and consent at the placement hearing, they will need to be notified of the hearing on the Petition.

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- ☐ Petition for Adoption form 18.0
- ☐ Certified copy of Birth Certificate
- ☐ Preliminary Petitioner's Account form 18.9
- ☐ BCI & FBI Background Checks completed within 90 days of filing
- ☐ Certified copy Order from Court that did the legal placement ****if Petition is filed without Probate placement****
- ☐ Request for Notification
- ☐ Instructions for Service on biological parents (needed if they did not appear in Court to consent)
- ☐ Putative Father Registry Certification **final results**
- ☐ Affidavit and Order for publication, if necessary
- ☐ Vital Statistics Certificate of Adoption form ODHS 2757 (information for new Ohio birth certificate)
**If the child was born in a different state, it is the Petitioner's responsibility to contact the state in which the child was born and determine whether Vital Statistics in that state will accept this form. If not, it is the Petitioner's responsibility to obtain the necessary forms and complete them. The correct forms must be filed with this initial filing. If the Ohio form is submitted with the initial filing, our Court will assume that the Petitioner has determined it to be acceptable, and will proceed accordingly.

FILINGS DUE NO LATER THAN 10 DAYS PRIOR TO THE HEARING:

- ☐ Final Petitioner's Account
- ☐ Pre-Finalization Assessment Report ODHS Form 1699 (unless completed by Probate Court Assessor)

If certified mail or publication is necessary, the hearing will be scheduled accordingly. An Affidavit and an Order for Service by Publication shall be filed if publication is necessary.

Prior to the hearing on the Petition, the Court's Assessor will arrange a visit with Petitioners to complete the Pre-Finalization Adoption Assessment Report, ODHS Form 1699.

Hearing and Post Hearing:

Proper service must be made on all necessary parties. If the birth parents have not previously consented, the Court will first address the matter of their consent being required or not and then proceed to address the best interest of the child.

The petitioner(s) will receive 2 certified copies of the Final Decree and the Certificate of Adoption for Parents.

A certified copy of the Vital Statistics Certificate of Adoption form will be mailed to the Ohio Department of Health, or to the Vital Statistics Dept. of the state of birth, for the new birth certificate to be created. The Attorney or Petitioner is responsible for obtaining the new birth certificate from the Department of Health.

If there is a Child Support Order in effect, it is the Attorneys or Petitioners responsibility to provide a Certified copy of the Final Decree to the Child Support Enforcement Agency to have this Order dismissed.