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**H. B. No. 61**

**Representatives Pelanda, Antonio**

**Cosponsors: Representatives Blair, Terhar, Stinziano, Young, Foley, Pillich, Slesnick, Mallory, Phillips, Stebelton, Hagan, R., Hackett, Green, Becker, Gerberry, Driehaus, Hill, Maag, Kunze, Strahorn, Wachtmann, Sprague, Ashford, Lundy, Ruhl, Butler, Celebrezze, Conditt, Letson, Slaby, Stautberg, Winburn, Anielski, Baker, Barborak, Barnes, Beck, Boyce, Brown, Budish, Burkley, Carney, Clyde, Damschroder, Dovilla, Duffey, Fedor, Grossman, Hagan, C., Hall, Hayes, Heard, Johnson, McClain, Milkovich, O'Brien, Patterson, Ramos, Reece, Roegner, Rogers, Schuring, Sears, Smith, Szollosi, Williams**

**—**

**A B I L L**

To amend sections 149.43, 1347.08, 2101.16, 2101.162, 1  
2101.24, 3107.071, 3107.081, 3107.082, 3107.083, 2  
3107.09, 3107.091, 3107.141, 3107.17, 3107.18, 3  
3107.19, 3107.38, 3107.45, 3107.66, 3705.07, 4  
3705.08, 3705.12, 3705.23, 3705.241, 3705.29, 5  
5103.151, and 5103.152, to enact new sections 6  
3107.39 and 3107.40 and sections 3107.171, 7  
3705.121, 3705.122, 3705.123, 3705.124, 3705.125, 8  
and 3705.126, and to repeal sections 3107.39, 9  
3107.40, 3107.41, 3107.42, 3107.43, and 3107.44 of 10  
the Revised Code regarding access to adoption 11  
records. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 149.43, 1347.08, 2101.16, 2101.162, 13  
2101.24, 3107.071, 3107.081, 3107.082, 3107.083, 3107.09, 14  
3107.091, 3107.141, 3107.17, 3107.18, 3107.19, 3107.38, 3107.45, 15  
3107.66, 3705.07, 3705.08, 3705.12, 3705.23, 3705.241, 3705.29, 16  
5103.151, and 5103.152 be amended and new sections 3107.39 and 17  
3107.40 and sections 3107.171, 3705.121, 3705.122, 3705.123, 18  
3705.124, 3705.125, and 3705.126 of the Revised Code be enacted to 19  
read as follows: 20

**Sec. 149.43.** (A) As used in this section: 21

(1) "Public record" means records kept by any public office, 22  
including, but not limited to, state, county, city, village, 23  
township, and school district units, and records pertaining to the 24  
delivery of educational services by an alternative school in this 25  
state kept by the nonprofit or for-profit entity operating the 26  
alternative school pursuant to section 3313.533 of the Revised 27  
Code. "Public record" does not mean any of the following: 28

(a) Medical records; 29

(b) Records pertaining to probation and parole proceedings or 30  
to proceedings related to the imposition of community control 31  
sanctions and post-release control sanctions; 32

(c) Records pertaining to actions under section 2151.85 and 33  
division (C) of section 2919.121 of the Revised Code and to 34  
appeals of actions arising under those sections; 35

(d) Records pertaining to adoption proceedings, including the 36  
contents of an adoption file maintained by the department of 37  
health under ~~section~~ sections 3705.12 to 3705.124 of the Revised 38  
Code; 39

(e) Information in a record contained in the putative father 40  
registry established by section 3107.062 of the Revised Code, 41  
regardless of whether the information is held by the department of 42

job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	43 44 45
(f) <del>Records listed in division (A) of section 3107.42 of the Revised Code or</del> specified in division (A) of section 3107.52 of the Revised Code;	46 47 48
(g) Trial preparation records;	49
(h) Confidential law enforcement investigatory records;	50
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	51 52
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	53 54
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	55 56 57 58
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	59 60 61 62
(m) Intellectual property records;	63
(n) Donor profile records;	64
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	65 66
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	67 68 69 70 71 72

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;

(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	104 105 106 107 108 109
(z) Records listed in section 5101.29 of the Revised Code;	110
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	111 112 113
(bb) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	114 115 116
(cc) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division.	117 118 119
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	120 121 122 123 124
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	125 126 127 128
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	129 130 131 132
(c) Specific confidential investigatory techniques or	133

procedures or specific investigatory work product;	134
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	135 136 137
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.	138 139 140 141 142
(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.	143 144 145 146 147
(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.	148 149 150 151 152 153 154 155 156
(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.	157 158 159 160
(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or	161 162 163 164

investigator of the bureau of criminal identification and 165  
investigation residential and familial information" means any 166  
information that discloses any of the following about a peace 167  
officer, parole officer, probation officer, bailiff, prosecuting 168  
attorney, assistant prosecuting attorney, correctional employee, 169  
community-based correctional facility employee, youth services 170  
employee, firefighter, EMT, or investigator of the bureau of 171  
criminal identification and investigation: 172

(a) The address of the actual personal residence of a peace 173  
officer, parole officer, probation officer, bailiff, assistant 174  
prosecuting attorney, correctional employee, community-based 175  
correctional facility employee, youth services employee, 176  
firefighter, EMT, or an investigator of the bureau of criminal 177  
identification and investigation, except for the state or 178  
political subdivision in which the peace officer, parole officer, 179  
probation officer, bailiff, assistant prosecuting attorney, 180  
correctional employee, community-based correctional facility 181  
employee, youth services employee, firefighter, EMT, or 182  
investigator of the bureau of criminal identification and 183  
investigation resides; 184

(b) Information compiled from referral to or participation in 185  
an employee assistance program; 186

(c) The social security number, the residential telephone 187  
number, any bank account, debit card, charge card, or credit card 188  
number, or the emergency telephone number of, or any medical 189  
information pertaining to, a peace officer, parole officer, 190  
probation officer, bailiff, prosecuting attorney, assistant 191  
prosecuting attorney, correctional employee, community-based 192  
correctional facility employee, youth services employee, 193  
firefighter, EMT, or investigator of the bureau of criminal 194  
identification and investigation; 195

(d) The name of any beneficiary of employment benefits, 196

including, but not limited to, life insurance benefits, provided 197  
to a peace officer, parole officer, probation officer, bailiff, 198  
prosecuting attorney, assistant prosecuting attorney, correctional 199  
employee, community-based correctional facility employee, youth 200  
services employee, firefighter, EMT, or investigator of the bureau 201  
of criminal identification and investigation by the peace 202  
officer's, parole officer's, probation officer's, bailiff's, 203  
prosecuting attorney's, assistant prosecuting attorney's, 204  
correctional employee's, community-based correctional facility 205  
employee's, youth services employee's, firefighter's, EMT's, or 206  
investigator of the bureau of criminal identification and 207  
investigation's employer; 208

(e) The identity and amount of any charitable or employment 209  
benefit deduction made by the peace officer's, parole officer's, 210  
probation officer's, bailiff's, prosecuting attorney's, assistant 211  
prosecuting attorney's, correctional employee's, community-based 212  
correctional facility employee's, youth services employee's, 213  
firefighter's, EMT's, or investigator of the bureau of criminal 214  
identification and investigation's employer from the peace 215  
officer's, parole officer's, probation officer's, bailiff's, 216  
prosecuting attorney's, assistant prosecuting attorney's, 217  
correctional employee's, community-based correctional facility 218  
employee's, youth services employee's, firefighter's, EMT's, or 219  
investigator of the bureau of criminal identification and 220  
investigation's compensation unless the amount of the deduction is 221  
required by state or federal law; 222

(f) The name, the residential address, the name of the 223  
employer, the address of the employer, the social security number, 224  
the residential telephone number, any bank account, debit card, 225  
charge card, or credit card number, or the emergency telephone 226  
number of the spouse, a former spouse, or any child of a peace 227  
officer, parole officer, probation officer, bailiff, prosecuting 228



attorney, assistant prosecuting attorney, correctional employee, 229  
community-based correctional facility employee, youth services 230  
employee, firefighter, EMT, or investigator of the bureau of 231  
criminal identification and investigation; 232

(g) A photograph of a peace officer who holds a position or 233  
has an assignment that may include undercover or plain clothes 234  
positions or assignments as determined by the peace officer's 235  
appointing authority. 236

As used in divisions (A)(7) and (B)(9) of this section, 237  
"peace officer" has the same meaning as in section 109.71 of the 238  
Revised Code and also includes the superintendent and troopers of 239  
the state highway patrol; it does not include the sheriff of a 240  
county or a supervisory employee who, in the absence of the 241  
sheriff, is authorized to stand in for, exercise the authority of, 242  
and perform the duties of the sheriff. 243

As used in divisions (A)(7) and (B)(5) of this section, 244  
"correctional employee" means any employee of the department of 245  
rehabilitation and correction who in the course of performing the 246  
employee's job duties has or has had contact with inmates and 247  
persons under supervision. 248

As used in divisions (A)(7) and (B)(5) of this section, 249  
"youth services employee" means any employee of the department of 250  
youth services who in the course of performing the employee's job 251  
duties has or has had contact with children committed to the 252  
custody of the department of youth services. 253

As used in divisions (A)(7) and (B)(9) of this section, 254  
"firefighter" means any regular, paid or volunteer, member of a 255  
lawfully constituted fire department of a municipal corporation, 256  
township, fire district, or village. 257

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 258  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 259

medical services for a public emergency medical service 260  
organization. "Emergency medical service organization," 261  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 262  
section 4765.01 of the Revised Code. 263

As used in divisions (A)(7) and (B)(9) of this section, 264  
"investigator of the bureau of criminal identification and 265  
investigation" has the meaning defined in section 2903.11 of the 266  
Revised Code. 267

(8) "Information pertaining to the recreational activities of 268  
a person under the age of eighteen" means information that is kept 269  
in the ordinary course of business by a public office, that 270  
pertains to the recreational activities of a person under the age 271  
of eighteen years, and that discloses any of the following: 272

(a) The address or telephone number of a person under the age 273  
of eighteen or the address or telephone number of that person's 274  
parent, guardian, custodian, or emergency contact person; 275

(b) The social security number, birth date, or photographic 276  
image of a person under the age of eighteen; 277

(c) Any medical record, history, or information pertaining to 278  
a person under the age of eighteen; 279

(d) Any additional information sought or required about a 280  
person under the age of eighteen for the purpose of allowing that 281  
person to participate in any recreational activity conducted or 282  
sponsored by a public office or to use or obtain admission 283  
privileges to any recreational facility owned or operated by a 284  
public office. 285

(9) "Community control sanction" has the same meaning as in 286  
section 2929.01 of the Revised Code. 287

(10) "Post-release control sanction" has the same meaning as 288  
in section 2967.01 of the Revised Code. 289

(11) "Redaction" means obscuring or deleting any information 290  
that is exempt from the duty to permit public inspection or 291  
copying from an item that otherwise meets the definition of a 292  
"record" in section 149.011 of the Revised Code. 293

(12) "Designee" and "elected official" have the same meanings 294  
as in section 109.43 of the Revised Code. 295

(B)(1) Upon request and subject to division (B)(8) of this 296  
section, all public records responsive to the request shall be 297  
promptly prepared and made available for inspection to any person 298  
at all reasonable times during regular business hours. Subject to 299  
division (B)(8) of this section, upon request, a public office or 300  
person responsible for public records shall make copies of the 301  
requested public record available at cost and within a reasonable 302  
period of time. If a public record contains information that is 303  
exempt from the duty to permit public inspection or to copy the 304  
public record, the public office or the person responsible for the 305  
public record shall make available all of the information within 306  
the public record that is not exempt. When making that public 307  
record available for public inspection or copying that public 308  
record, the public office or the person responsible for the public 309  
record shall notify the requester of any redaction or make the 310  
redaction plainly visible. A redaction shall be deemed a denial of 311  
a request to inspect or copy the redacted information, except if 312  
federal or state law authorizes or requires a public office to 313  
make the redaction. 314

(2) To facilitate broader access to public records, a public 315  
office or the person responsible for public records shall organize 316  
and maintain public records in a manner that they can be made 317  
available for inspection or copying in accordance with division 318  
(B) of this section. A public office also shall have available a 319  
copy of its current records retention schedule at a location 320  
readily available to the public. If a requester makes an ambiguous 321

or overly broad request or has difficulty in making a request for 322  
copies or inspection of public records under this section such 323  
that the public office or the person responsible for the requested 324  
public record cannot reasonably identify what public records are 325  
being requested, the public office or the person responsible for 326  
the requested public record may deny the request but shall provide 327  
the requester with an opportunity to revise the request by 328  
informing the requester of the manner in which records are 329  
maintained by the public office and accessed in the ordinary 330  
course of the public office's or person's duties. 331

(3) If a request is ultimately denied, in part or in whole, 332  
the public office or the person responsible for the requested 333  
public record shall provide the requester with an explanation, 334  
including legal authority, setting forth why the request was 335  
denied. If the initial request was provided in writing, the 336  
explanation also shall be provided to the requester in writing. 337  
The explanation shall not preclude the public office or the person 338  
responsible for the requested public record from relying upon 339  
additional reasons or legal authority in defending an action 340  
commenced under division (C) of this section. 341

(4) Unless specifically required or authorized by state or 342  
federal law or in accordance with division (B) of this section, no 343  
public office or person responsible for public records may limit 344  
or condition the availability of public records by requiring 345  
disclosure of the requester's identity or the intended use of the 346  
requested public record. Any requirement that the requester 347  
disclose the requestor's identity or the intended use of the 348  
requested public record constitutes a denial of the request. 349

(5) A public office or person responsible for public records 350  
may ask a requester to make the request in writing, may ask for 351  
the requester's identity, and may inquire about the intended use 352  
of the information requested, but may do so only after disclosing 353

to the requester that a written request is not mandatory and that 354  
the requester may decline to reveal the requester's identity or 355  
the intended use and when a written request or disclosure of the 356  
identity or intended use would benefit the requester by enhancing 357  
the ability of the public office or person responsible for public 358  
records to identify, locate, or deliver the public records sought 359  
by the requester. 360

(6) If any person chooses to obtain a copy of a public record 361  
in accordance with division (B) of this section, the public office 362  
or person responsible for the public record may require that 363  
person to pay in advance the cost involved in providing the copy 364  
of the public record in accordance with the choice made by the 365  
person seeking the copy under this division. The public office or 366  
the person responsible for the public record shall permit that 367  
person to choose to have the public record duplicated upon paper, 368  
upon the same medium upon which the public office or person 369  
responsible for the public record keeps it, or upon any other 370  
medium upon which the public office or person responsible for the 371  
public record determines that it reasonably can be duplicated as 372  
an integral part of the normal operations of the public office or 373  
person responsible for the public record. When the person seeking 374  
the copy makes a choice under this division, the public office or 375  
person responsible for the public record shall provide a copy of 376  
it in accordance with the choice made by the person seeking the 377  
copy. Nothing in this section requires a public office or person 378  
responsible for the public record to allow the person seeking a 379  
copy of the public record to make the copies of the public record. 380

(7) Upon a request made in accordance with division (B) of 381  
this section and subject to division (B)(6) of this section, a 382  
public office or person responsible for public records shall 383  
transmit a copy of a public record to any person by United States 384  
mail or by any other means of delivery or transmission within a 385

reasonable period of time after receiving the request for the 386  
copy. The public office or person responsible for the public 387  
record may require the person making the request to pay in advance 388  
the cost of postage if the copy is transmitted by United States 389  
mail or the cost of delivery if the copy is transmitted other than 390  
by United States mail, and to pay in advance the costs incurred 391  
for other supplies used in the mailing, delivery, or transmission. 392

Any public office may adopt a policy and procedures that it 393  
will follow in transmitting, within a reasonable period of time 394  
after receiving a request, copies of public records by United 395  
States mail or by any other means of delivery or transmission 396  
pursuant to this division. A public office that adopts a policy 397  
and procedures under this division shall comply with them in 398  
performing its duties under this division. 399

In any policy and procedures adopted under this division, a 400  
public office may limit the number of records requested by a 401  
person that the office will transmit by United States mail to ten 402  
per month, unless the person certifies to the office in writing 403  
that the person does not intend to use or forward the requested 404  
records, or the information contained in them, for commercial 405  
purposes. For purposes of this division, "commercial" shall be 406  
narrowly construed and does not include reporting or gathering 407  
news, reporting or gathering information to assist citizen 408  
oversight or understanding of the operation or activities of 409  
government, or nonprofit educational research. 410

(8) A public office or person responsible for public records 411  
is not required to permit a person who is incarcerated pursuant to 412  
a criminal conviction or a juvenile adjudication to inspect or to 413  
obtain a copy of any public record concerning a criminal 414  
investigation or prosecution or concerning what would be a 415  
criminal investigation or prosecution if the subject of the 416  
investigation or prosecution were an adult, unless the request to 417

inspect or to obtain a copy of the record is for the purpose of 418  
acquiring information that is subject to release as a public 419  
record under this section and the judge who imposed the sentence 420  
or made the adjudication with respect to the person, or the 421  
judge's successor in office, finds that the information sought in 422  
the public record is necessary to support what appears to be a 423  
justiciable claim of the person. 424

(9)(a) Upon written request made and signed by a journalist 425  
on or after December 16, 1999, a public office, or person 426  
responsible for public records, having custody of the records of 427  
the agency employing a specified peace officer, parole officer, 428  
probation officer, bailiff, prosecuting attorney, assistant 429  
prosecuting attorney, correctional employee, community-based 430  
correctional facility employee, youth services employee, 431  
firefighter, EMT, or investigator of the bureau of criminal 432  
identification and investigation shall disclose to the journalist 433  
the address of the actual personal residence of the peace officer, 434  
parole officer, probation officer, bailiff, prosecuting attorney, 435  
assistant prosecuting attorney, correctional employee, 436  
community-based correctional facility employee, youth services 437  
employee, firefighter, EMT, or investigator of the bureau of 438  
criminal identification and investigation and, if the peace 439  
officer's, parole officer's, probation officer's, bailiff's, 440  
prosecuting attorney's, assistant prosecuting attorney's, 441  
correctional employee's, community-based correctional facility 442  
employee's, youth services employee's, firefighter's, EMT's, or 443  
investigator of the bureau of criminal identification and 444  
investigation's spouse, former spouse, or child is employed by a 445  
public office, the name and address of the employer of the peace 446  
officer's, parole officer's, probation officer's, bailiff's, 447  
prosecuting attorney's, assistant prosecuting attorney's, 448  
correctional employee's, community-based correctional facility 449  
employee's, youth services employee's, firefighter's, EMT's, or 450

investigator of the bureau of criminal identification and 451  
investigation's spouse, former spouse, or child. The request shall 452  
include the journalist's name and title and the name and address 453  
of the journalist's employer and shall state that disclosure of 454  
the information sought would be in the public interest. 455

(b) Division (B)(9)(a) of this section also applies to 456  
journalist requests for customer information maintained by a 457  
municipally owned or operated public utility, other than social 458  
security numbers and any private financial information such as 459  
credit reports, payment methods, credit card numbers, and bank 460  
account information. 461

(c) As used in division (B)(9) of this section, "journalist" 462  
means a person engaged in, connected with, or employed by any news 463  
medium, including a newspaper, magazine, press association, news 464  
agency, or wire service, a radio or television station, or a 465  
similar medium, for the purpose of gathering, processing, 466  
transmitting, compiling, editing, or disseminating information for 467  
the general public. 468

(C)(1) If a person allegedly is aggrieved by the failure of a 469  
public office or the person responsible for public records to 470  
promptly prepare a public record and to make it available to the 471  
person for inspection in accordance with division (B) of this 472  
section or by any other failure of a public office or the person 473  
responsible for public records to comply with an obligation in 474  
accordance with division (B) of this section, the person allegedly 475  
aggrieved may commence a mandamus action to obtain a judgment that 476  
orders the public office or the person responsible for the public 477  
record to comply with division (B) of this section, that awards 478  
court costs and reasonable attorney's fees to the person that 479  
instituted the mandamus action, and, if applicable, that includes 480  
an order fixing statutory damages under division (C)(1) of this 481  
section. The mandamus action may be commenced in the court of 482



common pleas of the county in which division (B) of this section 483  
allegedly was not complied with, in the supreme court pursuant to 484  
its original jurisdiction under Section 2 of Article IV, Ohio 485  
Constitution, or in the court of appeals for the appellate 486  
district in which division (B) of this section allegedly was not 487  
complied with pursuant to its original jurisdiction under Section 488  
3 of Article IV, Ohio Constitution. 489

If a requestor transmits a written request by hand delivery 490  
or certified mail to inspect or receive copies of any public 491  
record in a manner that fairly describes the public record or 492  
class of public records to the public office or person responsible 493  
for the requested public records, except as otherwise provided in 494  
this section, the requestor shall be entitled to recover the 495  
amount of statutory damages set forth in this division if a court 496  
determines that the public office or the person responsible for 497  
public records failed to comply with an obligation in accordance 498  
with division (B) of this section. 499

The amount of statutory damages shall be fixed at one hundred 500  
dollars for each business day during which the public office or 501  
person responsible for the requested public records failed to 502  
comply with an obligation in accordance with division (B) of this 503  
section, beginning with the day on which the requester files a 504  
mandamus action to recover statutory damages, up to a maximum of 505  
one thousand dollars. The award of statutory damages shall not be 506  
construed as a penalty, but as compensation for injury arising 507  
from lost use of the requested information. The existence of this 508  
injury shall be conclusively presumed. The award of statutory 509  
damages shall be in addition to all other remedies authorized by 510  
this section. 511

The court may reduce an award of statutory damages or not 512  
award statutory damages if the court determines both of the 513  
following: 514

(a) That, based on the ordinary application of statutory law 515  
and case law as it existed at the time of the conduct or 516  
threatened conduct of the public office or person responsible for 517  
the requested public records that allegedly constitutes a failure 518  
to comply with an obligation in accordance with division (B) of 519  
this section and that was the basis of the mandamus action, a 520  
well-informed public office or person responsible for the 521  
requested public records reasonably would believe that the conduct 522  
or threatened conduct of the public office or person responsible 523  
for the requested public records did not constitute a failure to 524  
comply with an obligation in accordance with division (B) of this 525  
section; 526

(b) That a well-informed public office or person responsible 527  
for the requested public records reasonably would believe that the 528  
conduct or threatened conduct of the public office or person 529  
responsible for the requested public records would serve the 530  
public policy that underlies the authority that is asserted as 531  
permitting that conduct or threatened conduct. 532

(2)(a) If the court issues a writ of mandamus that orders the 533  
public office or the person responsible for the public record to 534  
comply with division (B) of this section and determines that the 535  
circumstances described in division (C)(1) of this section exist, 536  
the court shall determine and award to the relator all court 537  
costs. 538

(b) If the court renders a judgment that orders the public 539  
office or the person responsible for the public record to comply 540  
with division (B) of this section, the court may award reasonable 541  
attorney's fees subject to reduction as described in division 542  
(C)(2)(c) of this section. The court shall award reasonable 543  
attorney's fees, subject to reduction as described in division 544  
(C)(2)(c) of this section when either of the following applies: 545

(i) The public office or the person responsible for the 546

public records failed to respond affirmatively or negatively to 547  
the public records request in accordance with the time allowed 548  
under division (B) of this section. 549

(ii) The public office or the person responsible for the 550  
public records promised to permit the relator to inspect or 551  
receive copies of the public records requested within a specified 552  
period of time but failed to fulfill that promise within that 553  
specified period of time. 554

(c) Court costs and reasonable attorney's fees awarded under 555  
this section shall be construed as remedial and not punitive. 556  
Reasonable attorney's fees shall include reasonable fees incurred 557  
to produce proof of the reasonableness and amount of the fees and 558  
to otherwise litigate entitlement to the fees. The court may 559  
reduce an award of attorney's fees to the relator or not award 560  
attorney's fees to the relator if the court determines both of the 561  
following: 562

(i) That, based on the ordinary application of statutory law 563  
and case law as it existed at the time of the conduct or 564  
threatened conduct of the public office or person responsible for 565  
the requested public records that allegedly constitutes a failure 566  
to comply with an obligation in accordance with division (B) of 567  
this section and that was the basis of the mandamus action, a 568  
well-informed public office or person responsible for the 569  
requested public records reasonably would believe that the conduct 570  
or threatened conduct of the public office or person responsible 571  
for the requested public records did not constitute a failure to 572  
comply with an obligation in accordance with division (B) of this 573  
section; 574

(ii) That a well-informed public office or person responsible 575  
for the requested public records reasonably would believe that the 576  
conduct or threatened conduct of the public office or person 577  
responsible for the requested public records as described in 578

division (C)(2)(c)(i) of this section would serve the public 579  
policy that underlies the authority that is asserted as permitting 580  
that conduct or threatened conduct. 581

(D) Chapter 1347. of the Revised Code does not limit the 582  
provisions of this section. 583

(E)(1) To ensure that all employees of public offices are 584  
appropriately educated about a public office's obligations under 585  
division (B) of this section, all elected officials or their 586  
appropriate designees shall attend training approved by the 587  
attorney general as provided in section 109.43 of the Revised 588  
Code. In addition, all public offices shall adopt a public records 589  
policy in compliance with this section for responding to public 590  
records requests. In adopting a public records policy under this 591  
division, a public office may obtain guidance from the model 592  
public records policy developed and provided to the public office 593  
by the attorney general under section 109.43 of the Revised Code. 594  
Except as otherwise provided in this section, the policy may not 595  
limit the number of public records that the public office will 596  
make available to a single person, may not limit the number of 597  
public records that it will make available during a fixed period 598  
of time, and may not establish a fixed period of time before it 599  
will respond to a request for inspection or copying of public 600  
records, unless that period is less than eight hours. 601

(2) The public office shall distribute the public records 602  
policy adopted by the public office under division (E)(1) of this 603  
section to the employee of the public office who is the records 604  
custodian or records manager or otherwise has custody of the 605  
records of that office. The public office shall require that 606  
employee to acknowledge receipt of the copy of the public records 607  
policy. The public office shall create a poster that describes its 608  
public records policy and shall post the poster in a conspicuous 609  
place in the public office and in all locations where the public 610

office has branch offices. The public office may post its public 611  
records policy on the internet web site of the public office if 612  
the public office maintains an internet web site. A public office 613  
that has established a manual or handbook of its general policies 614  
and procedures for all employees of the public office shall 615  
include the public records policy of the public office in the 616  
manual or handbook. 617

(F)(1) The bureau of motor vehicles may adopt rules pursuant 618  
to Chapter 119. of the Revised Code to reasonably limit the number 619  
of bulk commercial special extraction requests made by a person 620  
for the same records or for updated records during a calendar 621  
year. The rules may include provisions for charges to be made for 622  
bulk commercial special extraction requests for the actual cost of 623  
the bureau, plus special extraction costs, plus ten per cent. The 624  
bureau may charge for expenses for redacting information, the 625  
release of which is prohibited by law. 626

(2) As used in division (F)(1) of this section: 627

(a) "Actual cost" means the cost of depleted supplies, 628  
records storage media costs, actual mailing and alternative 629  
delivery costs, or other transmitting costs, and any direct 630  
equipment operating and maintenance costs, including actual costs 631  
paid to private contractors for copying services. 632

(b) "Bulk commercial special extraction request" means a 633  
request for copies of a record for information in a format other 634  
than the format already available, or information that cannot be 635  
extracted without examination of all items in a records series, 636  
class of records, or ~~data base~~ database by a person who intends to 637  
use or forward the copies for surveys, marketing, solicitation, or 638  
resale for commercial purposes. "Bulk commercial special 639  
extraction request" does not include a request by a person who 640  
gives assurance to the bureau that the person making the request 641  
does not intend to use or forward the requested copies for 642

surveys, marketing, solicitation, or resale for commercial 643  
purposes. 644

(c) "Commercial" means profit-seeking production, buying, or 645  
selling of any good, service, or other product. 646

(d) "Special extraction costs" means the cost of the time 647  
spent by the lowest paid employee competent to perform the task, 648  
the actual amount paid to outside private contractors employed by 649  
the bureau, or the actual cost incurred to create computer 650  
programs to make the special extraction. "Special extraction 651  
costs" include any charges paid to a public agency for computer or 652  
records services. 653

(3) For purposes of divisions (F)(1) and (2) of this section, 654  
"surveys, marketing, solicitation, or resale for commercial 655  
purposes" shall be narrowly construed and does not include 656  
reporting or gathering news, reporting or gathering information to 657  
assist citizen oversight or understanding of the operation or 658  
activities of government, or nonprofit educational research. 659

**Sec. 1347.08.** (A) Every state or local agency that maintains 660  
a personal information system, upon the request and the proper 661  
identification of any person who is the subject of personal 662  
information in the system, shall: 663

(1) Inform the person of the existence of any personal 664  
information in the system of which the person is the subject; 665

(2) Except as provided in divisions (C) and (E)(2) of this 666  
section, permit the person, the person's legal guardian, or an 667  
attorney who presents a signed written authorization made by the 668  
person, to inspect all personal information in the system of which 669  
the person is the subject; 670

(3) Inform the person about the types of uses made of the 671  
personal information, including the identity of any users usually 672

granted access to the system. 673

(B) Any person who wishes to exercise a right provided by 674  
this section may be accompanied by another individual of the 675  
person's choice. 676

(C)(1) A state or local agency, upon request, shall disclose 677  
medical, psychiatric, or psychological information to a person who 678  
is the subject of the information or to the person's legal 679  
guardian, unless a physician, psychiatrist, or psychologist 680  
determines for the agency that the disclosure of the information 681  
is likely to have an adverse effect on the person, in which case 682  
the information shall be released to a physician, psychiatrist, or 683  
psychologist who is designated by the person or by the person's 684  
legal guardian. 685

(2) Upon the signed written request of either a licensed 686  
attorney at law or a licensed physician designated by the inmate, 687  
together with the signed written request of an inmate of a 688  
correctional institution under the administration of the 689  
department of rehabilitation and correction, the department shall 690  
disclose medical information to the designated attorney or 691  
physician as provided in division (C) of section 5120.21 of the 692  
Revised Code. 693

(D) If an individual who is authorized to inspect personal 694  
information that is maintained in a personal information system 695  
requests the state or local agency that maintains the system to 696  
provide a copy of any personal information that the individual is 697  
authorized to inspect, the agency shall provide a copy of the 698  
personal information to the individual. Each state and local 699  
agency may establish reasonable fees for the service of copying, 700  
upon request, personal information that is maintained by the 701  
agency. 702

(E)(1) This section regulates access to personal information 703

that is maintained in a personal information system by persons who 704  
are the subject of the information, but does not limit the 705  
authority of any person, including a person who is the subject of 706  
personal information maintained in a personal information system, 707  
to inspect or have copied, pursuant to section 149.43 of the 708  
Revised Code, a public record as defined in that section. 709

(2) This section does not provide a person who is the subject 710  
of personal information maintained in a personal information 711  
system, the person's legal guardian, or an attorney authorized by 712  
the person, with a right to inspect or have copied, or require an 713  
agency that maintains a personal information system to permit the 714  
inspection of or to copy, a confidential law enforcement 715  
investigatory record or trial preparation record, as defined in 716  
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 717

(F) This section does not apply to any of the following: 718

(1) The contents of an adoption file maintained by the 719  
department of health under ~~section~~ sections 3705.12 to 3705.124 of 720  
the Revised Code; 721

(2) Information contained in the putative father registry 722  
established by section 3107.062 of the Revised Code, regardless of 723  
whether the information is held by the department of job and 724  
family services or, pursuant to section 3111.69 of the Revised 725  
Code, the office of child support in the department or a child 726  
support enforcement agency; 727

(3) Papers, records, and books that pertain to an adoption 728  
and that are subject to inspection in accordance with section 729  
3107.17 of the Revised Code; 730

(4) ~~Records listed in division (A) of section 3107.42 of the~~ 731  
~~Revised Code or~~ specified in division (A) of section 3107.52 of 732  
the Revised Code; 733

(5) Records that identify an individual described in division 734



(A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	735
	736
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	737
	738
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	739
	740
	741
(8) Records that identify an individual described in division (A)(1) of section 5111.61 of the Revised Code, or that would tend to identify such an individual;	742
	743
	744
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	745
	746
	747
	748
	749
(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code.	750
	751
<b>Sec. 2101.16.</b> (A) Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective proceedings:	752
	753
	754
	755
	756
(1) Account, in addition to advertising charges	757
..... \$ 12.00	758
Waivers and proof of notice of hearing on account, per page, minimum one dollar	759
..... \$ 1.00	760
(2) Account of distribution, in addition to advertising charges	761
..... \$ 7.00	762

(3) Adoption of child, petition for	763
..... \$ 50.00	764
(4) Alter or cancel contract for sale or purchase of real property, complaint to	765
..... \$ 20.00	766
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	767
..... \$ 5.00	768
(6) Appropriation suit, per day, hearing in	769
..... \$ 20.00	770
(7) Birth, application for registration of	771
..... \$ 7.00	772
(8) Birth record, application to correct	773
..... \$ 5.00	774
(9) Bond, application for new or additional	775
..... \$ 5.00	776
(10) Bond, application for release of surety or reduction of	777
..... \$ 5.00	778
(11) Bond, receipt for securities deposited in lieu of	779
..... \$ 5.00	780
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	781
..... \$ 1.00	782
(13) Citation and issuing citation, application for	783
..... \$ 5.00	784
(14) Change of name, petition for	785
..... \$ 20.00	786
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	787
..... \$ 10.00	788
(16) Claim, application to compromise or settle	789

.....	\$ 10.00	790
(17) Claim, authority to present		791
.....	\$ 10.00	792
(18) Commissioner, appointment of		793
.....	\$ 5.00	794
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for		795
.....	\$ 5.00	796
(20) Competency, application to procure adjudication of		797
.....	\$ 20.00	798
(21) Complete contract, application to		799
.....	\$ 10.00	800
(22) Concealment of assets, citation for		801
.....	\$ 10.00	802
(23) Construction of will, complaint for		803
.....	\$ 20.00	804
(24) Continue decedent's business, application to		805
.....	\$ 10.00	806
Monthly reports of operation		807
.....	\$ 5.00	808
(25) Declaratory judgment, complaint for		809
.....	\$ 20.00	810
(26) Deposit of will		811
.....	\$ 5.00	812
(27) Designation of heir		813
.....	\$ 20.00	814
(28) Distribution in kind, application, assent, and order for		815
.....	\$ 5.00	816
(29) Distribution under section 2109.36 of the Revised Code, application for an order of		817
.....	\$ 7.00	818
(30) Docketing and indexing proceedings, including the		819

filing and noting of all necessary documents, maximum fee, fifteen dollars .....	\$ 15.00	820
(31) Exceptions to any proceeding named in this section, contest of appointment or .....	\$ 10.00	821 822
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to .....	\$ 10.00	823 824
(33) Election of surviving spouse under will .....	\$ 5.00	825 826
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of .....	\$ 35.00	827 828
(35) Foreign will, application to record .....	\$ 10.00	829 830
Record of foreign will, additional, per page .....	\$ 1.00	831 832
(36) Forms when supplied by the probate court, not to exceed .....	\$ 10.00	833 834
(37) Heirship, complaint to determine .....	\$ 20.00	835 836
(38) Injunction proceedings .....	\$ 20.00	837 838
(39) Improve real property, petition to .....	\$ 20.00	839 840
(40) Inventory with appraisalment .....	\$ 10.00	841 842
(41) Inventory without appraisalment .....	\$ 7.00	843 844
(42) Investment or expenditure of funds, application for		845

.....	\$ 10.00	846
(43) Invest in real property, application to		847
.....	\$ 10.00	848
(44) Lease for oil, gas, coal, or other mineral, petition		849
to		
.....	\$ 20.00	850
(45) Lease or lease and improve real property, petition to		851
.....	\$ 20.00	852
(46) Marriage license		853
.....	\$ 10.00	854
Certified abstract of each marriage		855
.....	\$ 2.00	856
(47) Minor or incompetent person, etc., disposal of estate		857
under twenty-five thousand dollars of		
.....	\$ 10.00	858
(48) Mortgage or mortgage and repair or improve real		859
property, complaint to		
.....	\$ 20.00	860
(49) Newly discovered assets, report of		861
.....	\$ 7.00	862
(50) Nonresident executor or administrator to bar		863
creditors' claims, proceedings by		
.....	\$ 20.00	864
(51) Power of attorney or revocation of power, bonding		865
company		
.....	\$ 10.00	866
(52) Presumption of death, petition to establish		867
.....	\$ 20.00	868
(53) Probating will		869
.....	\$ 15.00	870
Proof of notice to beneficiaries		871
.....	\$ 5.00	872
(54) Purchase personal property, application of surviving		873

spouse to		
.....	\$ 10.00	874
(55) Purchase real property at appraised value, petition		875
of surviving spouse to		
.....	\$ 20.00	876
(56) Receipts in addition to advertising charges,		877
application and order to record		
.....	\$ 5.00	878
Record of those receipts, additional, per page		879
.....	\$ 1.00	880
(57) Record in excess of fifteen hundred words in any		881
proceeding in the probate court, per page		
.....	\$ 1.00	882
(58) Release of estate by mortgagee or other lienholder		883
.....	\$ 5.00	884
(59) Relieving an estate from administration under section		885
2113.03 of the Revised Code or granting an order for		
a summary release from administration under section		
2113.031 of the Revised Code		
.....	\$ 60.00	886
(60) Removal of fiduciary, application for		887
.....	\$ 10.00	888
(61) Requalification of executor or administrator		889
.....	\$ 10.00	890
(62) Resignation of fiduciary		891
.....	\$ 5.00	892
(63) Sale bill, public sale of personal property		893
.....	\$ 10.00	894
(64) Sale of personal property and report, application for		895
.....	\$ 10.00	896
(65) Sale of real property, petition for		897
.....	\$ 25.00	898
(66) Terminate guardianship, petition to		899

.....	\$ 10.00	900
(67) Transfer of real property, application, entry, and certificate for		901
.....	\$ 7.00	902
(68) Unclaimed money, application to invest		903
.....	\$ 7.00	904
(69) Vacate approval of account or order of distribution, motion to		905
.....	\$ 10.00	906
(70) Writ of execution		907
.....	\$ 5.00	908
(71) Writ of possession		909
.....	\$ 5.00	910
(72) Wrongful death, application and settlement of claim for		911
.....	\$ 20.00	912
(73) Year's allowance, petition to review		913
.....	\$ 7.00	914
(74) Guardian's report, filing and review of		915
.....	\$ 5.00	916
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.		917 918 919 920 921 922 923 924 925 926 927 928
(2) In relation to the appointment or functioning of a		929

guardian for a minor or the guardianship of a minor, the probate 930  
court may direct that the applicant or the estate pay any or all 931  
of the expenses of an investigation conducted pursuant to section 932  
2111.042 of the Revised Code. If the investigation is conducted by 933  
a public employee or investigator who is paid by the county, the 934  
fees for the investigation shall be paid into the county treasury. 935  
If the court finds that the guardian or applicant is indigent, the 936  
court may waive the costs, fees, and expenses of an investigation. 937

(C) Thirty dollars of the thirty-five-dollar fee collected 938  
pursuant to division (A)(34) of this section and twenty dollars of 939  
the sixty-dollar fee collected pursuant to division (A)(59) of 940  
this section shall be deposited by the county treasurer in the 941  
indigent guardianship fund created pursuant to section 2111.51 of 942  
the Revised Code. 943

(D) The fees of witnesses, jurors, sheriffs, coroners, and 944  
constables for services rendered in the probate court or by order 945  
of the probate judge shall be the same as provided for similar 946  
services in the court of common pleas. 947

(E) The probate court, by rule, may require an advance 948  
deposit for costs, not to exceed one hundred twenty-five dollars, 949  
at the time application is made for an appointment as executor or 950  
administrator or at the time a will is presented for probate. 951

~~(F) The probate court, by rule, shall establish a reasonable 952  
fee, not to exceed fifty dollars, for the filing of a petition for 953  
the release of information regarding an adopted person's name by 954  
birth and the identity of the adopted person's biological parents 955  
and biological siblings pursuant to section 3107.41 of the Revised 956  
Code, all proceedings relative to the petition, the entry of an 957  
order relative to the petition, and all services required to be 958  
performed in connection with the petition. The probate court may 959  
use a reasonable portion of a fee charged under authority of this 960  
division to reimburse any agency, as defined in section 3107.39 of 961~~



~~the Revised Code, for any services it renders in performing a task 962  
described in section 3107.41 of the Revised Code relative to or in 963  
connection with the petition for which the fee was charged. 964~~

~~(G)~~(1) Thirty dollars of the fifty-dollar fee collected 965  
pursuant to division (A)(3) of this section shall be deposited 966  
into the "putative father registry fund," which is hereby created 967  
in the state treasury. The department of job and family services 968  
shall use the money in the fund to fund the department's costs of 969  
performing its duties related to the putative father registry 970  
established under section 3107.062 of the Revised Code. 971

(2) If the department determines that money in the putative 972  
father registry fund is more than is needed for its duties related 973  
to the putative father registry, the department may use the 974  
surplus moneys in the fund as permitted in division (C) of section 975  
2151.3529, division (B) of section 2151.3530, or section 5103.155 976  
of the Revised Code. 977

**Sec. 2101.162.** (A)(1) The probate judge may determine that, 978  
for the efficient operation of the probate court, additional funds 979  
are required to computerize the court, make available computerized 980  
legal research services, or to do both. Upon making a 981  
determination that additional funds are required for either or 982  
both of those purposes, the probate judge shall charge a fee not 983  
to exceed three dollars or authorize and direct a deputy clerk of 984  
the probate court to charge a fee not to exceed three dollars, in 985  
addition to the fees specified in divisions (A)(1), (3), (4), (6), 986  
(14) to (17), (20) to (25), (27), (30) to (32), (34), (35), (37) 987  
to (48), (50) to (55), (59) to (61), (63) to (66), (69), and (72) 988  
of section 2101.16 of the Revised Code, ~~the fee adopted pursuant 989  
to division (F) of that section,~~ and the fee charged in connection 990  
with the docketing and indexing of an appeal. 991

(2) All moneys collected under division (A)(1) of this 992

section shall be paid to the county treasurer. The treasurer shall 993  
place the moneys from the fees in a separate fund to be disbursed, 994  
upon an order of the probate judge, in an amount no greater than 995  
the actual cost to the court of procuring and maintaining 996  
computerization of the court, computerized legal research 997  
services, or both. 998

(3) If the court determines that the funds in the fund 999  
described in division (A)(2) of this section are more than 1000  
sufficient to satisfy the purpose for which the additional fee 1001  
described in division (A)(1) of this section was imposed, the 1002  
court may declare a surplus in the fund and expend those surplus 1003  
funds for other appropriate technological expenses of the court. 1004

(B)(1) The probate judge may determine that, for the 1005  
efficient operation of the probate court, additional funds are 1006  
required to computerize the office of the clerk of the court and, 1007  
upon that determination, may charge a fee, not to exceed ten 1008  
dollars, or authorize and direct a deputy clerk of the probate 1009  
court to charge a fee, not to exceed ten dollars, in addition to 1010  
the fees specified in divisions (A)(1), (3), (4), (6), (14) to 1011  
(17), (20) to (25), (27), (30) to (32), (34), (35), (37) to (48), 1012  
(50) to (55), (59) to (61), (63) to (66), (69), and (72) of 1013  
section 2101.16 of the Revised Code, ~~the fee adopted pursuant to~~ 1014  
~~division (F) of that section,~~ and the fee charged in connection 1015  
with the docketing and indexing of an appeal. Subject to division 1016  
(B)(2) of this section, all moneys collected under this division 1017  
shall be paid to the county treasurer to be disbursed, upon an 1018  
order of the probate judge and subject to appropriation by the 1019  
board of county commissioners, in an amount no greater than the 1020  
actual cost to the probate court of procuring and maintaining 1021  
computer systems for the office of the clerk of the court. 1022

(2) If the probate judge makes the determination described in 1023  
division (B)(1) of this section, the board of county commissioners 1024

may issue one or more general obligation bonds for the purpose of 1025  
procuring and maintaining the computer systems for the office of 1026  
the clerk of the probate court. In addition to the purposes stated 1027  
in division (B)(1) of this section for which the moneys collected 1028  
under that division may be expended, the moneys additionally may 1029  
be expended to pay debt charges on and financing costs related to 1030  
any general obligation bonds issued pursuant to this division as 1031  
they become due. General obligation bonds issued pursuant to this 1032  
division are Chapter 133. securities. 1033

**Sec. 2101.24.** (A)(1) Except as otherwise provided by law, the 1034  
probate court has exclusive jurisdiction: 1035

(a) To take the proof of wills and to admit to record 1036  
authenticated copies of wills executed, proved, and allowed in the 1037  
courts of any other state, territory, or country. If the probate 1038  
judge is unavoidably absent, any judge of the court of common 1039  
pleas may take proof of wills and approve bonds to be given, but 1040  
the record of these acts shall be preserved in the usual records 1041  
of the probate court. 1042

(b) To grant and revoke letters testamentary and of 1043  
administration; 1044

(c) To direct and control the conduct and settle the accounts 1045  
of executors and administrators and order the distribution of 1046  
estates; 1047

(d) To appoint the attorney general to serve as the 1048  
administrator of an estate pursuant to section 2113.06 of the 1049  
Revised Code; 1050

(e) To appoint and remove guardians, conservators, and 1051  
testamentary trustees, direct and control their conduct, and 1052  
settle their accounts; 1053

(f) To grant marriage licenses; 1054

(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;	1055 1056 1057 1058 1059
(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;	1060 1061 1062
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	1063 1064 1065 1066
(j) To authorize the completion of real property contracts on petition of executors and administrators;	1067 1068
(k) To construe wills;	1069
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	1070 1071 1072
(m) To direct and control the conduct of fiduciaries and settle their accounts;	1073 1074
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	1075 1076
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	1077 1078
(p) To hear and determine actions to contest the validity of wills;	1079 1080
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	1081 1082 1083
(r) <del>To hear and determine an action commenced pursuant to</del>	1084

~~section 3107.41 of the Revised Code to obtain the release of~~ 1085  
~~information pertaining to the birth name of the adopted person and~~ 1086  
~~the identity of the adopted person's biological parents and~~ 1087  
~~biological siblings;~~ 1088

~~(s)~~ To act for and issue orders regarding wards pursuant to 1089  
section 2111.50 of the Revised Code; 1090

~~(t)~~(s) To hear and determine actions against sureties on the 1091  
bonds of fiduciaries appointed by the probate court; 1092

~~(u)~~(t) To hear and determine actions involving informed 1093  
consent for medication of persons hospitalized pursuant to section 1094  
5122.141 or 5122.15 of the Revised Code; 1095

~~(v)~~(u) To hear and determine actions relating to durable 1096  
powers of attorney for health care as described in division (D) of 1097  
section 1337.16 of the Revised Code; 1098

~~(w)~~(v) To hear and determine actions commenced by objecting 1099  
individuals, in accordance with section 2133.05 of the Revised 1100  
Code; 1101

~~(x)~~(w) To hear and determine complaints that pertain to the 1102  
use or continuation, or the withholding or withdrawal, of 1103  
life-sustaining treatment in connection with certain patients 1104  
allegedly in a terminal condition or in a permanently unconscious 1105  
state pursuant to division (E) of section 2133.08 of the Revised 1106  
Code, in accordance with that division; 1107

~~(y)~~(x) To hear and determine applications that pertain to the 1108  
withholding or withdrawal of nutrition and hydration from certain 1109  
patients allegedly in a permanently unconscious state pursuant to 1110  
section 2133.09 of the Revised Code, in accordance with that 1111  
section; 1112

~~(z)~~(y) To hear and determine applications of attending 1113  
physicians in accordance with division (B) of section 2133.15 of 1114

the Revised Code; 1115

~~(aa)~~(z) To hear and determine actions relative to the use or 1116  
continuation of comfort care in connection with certain principals 1117  
under durable powers of attorney for health care, declarants under 1118  
declarations, or patients in accordance with division (E) of 1119  
either section 1337.16 or 2133.12 of the Revised Code; 1120

~~(bb)~~(aa) To hear and determine applications for an order 1121  
relieving an estate from administration under section 2113.03 of 1122  
the Revised Code; 1123

~~(cc)~~(bb) To hear and determine applications for an order 1124  
granting a summary release from administration under section 1125  
2113.031 of the Revised Code; 1126

~~(dd)~~(cc) To hear and determine actions relating to the 1127  
exercise of the right of disposition, in accordance with section 1128  
2108.90 of the Revised Code; 1129

~~(ee)~~(dd) To hear and determine actions relating to the 1130  
disinterment and reinterment of human remains under section 517.23 1131  
of the Revised Code; 1132

~~(ff)~~(ee) To hear and determine petitions for an order for 1133  
treatment of a person suffering from alcohol and other drug abuse 1134  
filed under section 3793.34 of the Revised Code and to order 1135  
treatment of that nature in accordance with, and take other 1136  
actions afforded to the court under, sections 3793.31 to 3793.39 1137  
of the Revised Code. 1138

(2) In addition to the exclusive jurisdiction conferred upon 1139  
the probate court by division (A)(1) of this section, the probate 1140  
court shall have exclusive jurisdiction over a particular subject 1141  
matter if both of the following apply: 1142

(a) Another section of the Revised Code expressly confers 1143  
jurisdiction over that subject matter upon the probate court. 1144

(b) No section of the Revised Code expressly confers jurisdiction over that subject matter upon any other court or agency.

(B)(1) The probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the court of common pleas to issue writs and orders, and to hear and determine actions as follows:

(a) If jurisdiction relative to a particular subject matter is stated to be concurrent in a section of the Revised Code or has been construed by judicial decision to be concurrent, any action that involves that subject matter;

(b) Any action that involves an inter vivos trust; a trust created pursuant to section 5815.28 of the Revised Code; a charitable trust or foundation; subject to divisions (A)(1)~~(u)~~(t) and ~~(z)~~(y) of this section, a power of attorney, including, but not limited to, a durable power of attorney; the medical treatment of a competent adult; or a writ of habeas corpus;

(c) Subject to section 2101.31 of the Revised Code, any action with respect to a probate estate, guardianship, trust, or post-death dispute that involves any of the following:

(i) A designation or removal of a beneficiary of a life insurance policy, annuity contract, retirement plan, brokerage account, security account, bank account, real property, or tangible personal property;

(ii) A designation or removal of a payable-on-death beneficiary or transfer-on-death beneficiary;

(iii) A change in the title to any asset involving a joint and survivorship interest;

(iv) An alleged gift;

(v) The passing of assets upon the death of an individual

otherwise than by will, intestate succession, or trust. 1175

(2) Any action that involves a concurrent jurisdiction 1176  
subject matter and that is before the probate court may be 1177  
transferred by the probate court, on its order, to the general 1178  
division of the court of common pleas. 1179

(C) The probate court has plenary power at law and in equity 1180  
to dispose fully of any matter that is properly before the court, 1181  
unless the power is expressly otherwise limited or denied by a 1182  
section of the Revised Code. 1183

(D) The jurisdiction acquired by a probate court over a 1184  
matter or proceeding is exclusive of that of any other probate 1185  
court, except when otherwise provided by law. 1186

**Sec. 3107.071.** If a parent enters into a voluntary permanent 1187  
custody surrender agreement under division (B)(2) of section 1188  
5103.15 of the Revised Code on or after ~~the effective date of this~~ 1189  
~~section~~ September 18, 1996, the parent's consent to the adoption 1190  
of the child who is the subject of the agreement is required 1191  
unless all of the following requirements are met: 1192

(A) In the case of a parent whose child, if adopted, will be 1193  
an adopted person as defined in section 3107.45 of the Revised 1194  
Code: 1195

(1) The parent does all of the following: 1196

(a) Signs the component of the form prescribed under division 1197  
(A)(1)(a) of section 3107.083 of the Revised Code; 1198

(b) Checks either the "yes" or "no" space provided on the 1199  
component of the form prescribed under division (A)(1)(b) of 1200  
section 3107.083 of the Revised Code and signs that component; 1201

(c) If the parent is the mother, completes and signs the 1202  
component of the form prescribed under division (A)(1)(c) of 1203  
section 3107.083 of the Revised Code. 1204



(2) The agency provides the parent the opportunity to sign, 1205  
if the parent chooses to do so, the components of the form 1206  
prescribed under divisions (A)(1)(d), (e), and (f) of section 1207  
3107.083 of the Revised Code; 1208

(3) The agency files with the juvenile and probate courts the 1209  
form prescribed under division (A)(1) of section 3107.083 of the 1210  
Revised Code signed by the parent, provides a copy of the form 1211  
signed by the parent to the parent, and keeps a copy of the form 1212  
signed by the parent in the agency's records. 1213

The court shall keep a copy of the form signed by the parent 1214  
in the court records. 1215

(B) In the case of a parent whose child, if adopted, will be 1216  
an adopted person as defined in section ~~3107.39~~ 3107.38 of the 1217  
Revised Code: 1218

(1) The parent does both of the following: 1219

(a) Signs the component of the form prescribed under division 1220  
(B)(1)(a) of section 3107.083 of the Revised Code; 1221

(b) If the parent is the mother, completes and signs the 1222  
component of the form prescribed under division (B)(1)(b) of 1223  
section 3107.083 of the Revised Code. 1224

(2) The agency provides the parent the opportunity to sign, 1225  
if the parent chooses to do so, the components of the form 1226  
prescribed under divisions (B)(1)(c), (d), and (e) of section 1227  
3107.083 of the Revised Code at the time the parent enters into 1228  
the agreement with the agency; 1229

(3) The agency files the form signed by the parent with the 1230  
juvenile and probate courts, provides a copy of the form signed by 1231  
the parent to the parent, and keeps a copy of the form signed by 1232  
the parent in the agency's records. 1233

The court shall keep a copy of the form signed by the parent 1234

in the court records. 1235

**Sec. 3107.081.** (A) Except as provided in divisions (B), (E), 1236  
and (F) of this section, a parent of a minor, who will be, if 1237  
adopted, an adopted person as defined in section 3107.45 of the 1238  
Revised Code, shall do all of the following as a condition of a 1239  
court accepting the parent's consent to the minor's adoption: 1240

(1) Appear personally before the court; 1241

(2) Sign the component of the form prescribed under division 1242  
(A)(1)(a) of section 3107.083 of the Revised Code; 1243

(3) Check either the "yes" or "no" space provided on the 1244  
component of the form prescribed under division (A)(1)(b) of 1245  
section 3107.083 of the Revised Code and sign that component; 1246

(4) If the parent is the mother, complete and sign the 1247  
component of the form prescribed under division (A)(1)(c) of 1248  
section 3107.083 of the Revised Code. 1249

At the time the parent signs the components of the form 1250  
prescribed under divisions (A)(1)(a), (b), and (c) of section 1251  
3107.083 of the Revised Code, the parent may sign, if the parent 1252  
chooses to do so, the components of the form prescribed under 1253  
divisions (A)(1)(d), (e), and (f) of that section. After the 1254  
parent signs the components required to be signed and any 1255  
discretionary components the parent chooses to sign, the parent, 1256  
or the attorney arranging the adoption, shall file the form and 1257  
parent's consent with the court. The court or attorney shall give 1258  
the parent a copy of the form and consent. The court and attorney 1259  
shall keep a copy of the form and consent in the court and 1260  
attorney's records of the adoption. 1261

The court shall question the parent to determine that the 1262  
parent understands the adoption process, the ramifications of 1263  
consenting to the adoption, each component of the form prescribed 1264

under division (A)(1) of section 3107.083 of the Revised Code, and 1265  
that the minor and adoptive parent may receive identifying 1266  
information about the parent in accordance with section 3107.47 of 1267  
the Revised Code unless the parent checks the "no" space provided 1268  
on the component of the form prescribed under division (A)(1)(b) 1269  
of section 3107.083 of the Revised Code or has a denial of release 1270  
form filed with the department of health under section 3107.46 of 1271  
the Revised Code. The court also shall question the parent to 1272  
determine that the parent's consent to the adoption and any 1273  
decisions the parent makes in filling out the form prescribed 1274  
under division (A)(1) of section 3107.083 of the Revised Code are 1275  
made voluntarily. 1276

(B) The parents of a minor, who is less than six months of 1277  
age and will be, if adopted, an adopted person as defined in 1278  
section 3107.45 of the Revised Code, may consent to the minor's 1279  
adoption without personally appearing before a court if both 1280  
parents do all of the following: 1281

(1) Execute a notarized statement of consent to the minor's 1282  
adoption before the attorney arranging the adoption; 1283

(2) Sign the component of the form prescribed under division 1284  
(A)(1)(a) of section 3107.083 of the Revised Code; 1285

(3) Check either the "yes" or "no" space provided on the 1286  
component of the form prescribed under division (A)(1)(b) of 1287  
section 3107.083 of the Revised Code and sign that component. 1288

At the time the parents sign the components of the form 1289  
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 1290  
of the Revised Code, the mother shall complete and sign the 1291  
component of the form prescribed under division (A)(1)(c) of that 1292  
section and the attorney arranging the adoption shall provide the 1293  
parents the opportunity to sign, if they choose to do so, the 1294  
components of the form prescribed under divisions (A)(1)(d), (e), 1295

and (f) of that section. At the time the petition to adopt the  
minor is submitted to the court, the attorney shall file the  
parents' consents and forms with the court. The attorney shall  
give the parents a copy of the consents and forms. At the time the  
attorney files the consents and forms with the court, the attorney  
also shall file with the court all other documents the director of  
job and family services requires by rules adopted under division  
(D) of section 3107.083 of the Revised Code to be filed with the  
court. The court and attorney shall keep a copy of the consents,  
forms, and documents in the court and attorney's records of the  
adoption.

(C) Except as provided in divisions (D), (E), and (F) of this  
section, a parent of a minor, who will be, if adopted, an adopted  
person as defined in section ~~3107.39~~ 3107.38 of the Revised Code,  
shall do all of the following as a condition of a court accepting  
the parent's consent to the minor's adoption:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division  
(B)(1)(a) of section 3107.083 of the Revised Code;

(3) If the parent is the mother, complete and sign the  
component of the form prescribed under division (B)(1)(b) of  
section 3107.083 of the Revised Code.

At the time the parent signs the components prescribed under  
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised  
Code, the parent may sign, if the parent chooses to do so, the  
components of the form prescribed under divisions (B)(1)(c), (d),  
and (e) of that section. After the parent signs the components  
required to be signed and any discretionary components the parent  
chooses to sign, the parent, or the attorney arranging the  
adoption, shall file the form and parent's consent with the court.  
The court or attorney shall give the parent a copy of the form and

consent. The court and attorney shall keep a copy of the form and 1327  
consent in the court and attorney's records of the adoption. 1328

The court shall question the parent to determine that the 1329  
parent understands the adoption process, the ramifications of 1330  
consenting to the adoption, and each component of the form 1331  
prescribed under division (B)(1) of section 3107.083 of the 1332  
Revised Code. The court also shall question the parent to 1333  
determine that the parent's consent to the adoption and any 1334  
decisions the parent makes in filling out the form are made 1335  
voluntarily. 1336

(D) The parent of a minor who is less than six months of age 1337  
and will be, if adopted, an adopted person as defined in section 1338  
~~3107.39~~ 3107.38 of the Revised Code may consent to the minor's 1339  
adoption without personally appearing before a court if the parent 1340  
does all of the following: 1341

(1) Executes a notarized statement of consent to the minor's 1342  
adoption before the attorney arranging the adoption; 1343

(2) Signs the component of the form prescribed under division 1344  
(B)(1)(a) of section 3107.083 of the Revised Code; 1345

(3) If the parent is the mother, completes and signs the 1346  
component of the form prescribed under division (B)(1)(b) of 1347  
section 3107.083 of the Revised Code. 1348

At the time the parent signs the components of the form 1349  
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 1350  
of the Revised Code, the attorney arranging the adoption shall 1351  
provide the parent the opportunity to sign, if the parent chooses 1352  
to do so, the components of the form prescribed under divisions 1353  
(B)(1)(c), (d), and (e) of that section. At the time the petition 1354  
to adopt the minor is submitted to the court, the attorney shall 1355  
file the parent's consent and form with the court. The attorney 1356  
shall give the parent a copy of the consent and form. At the time 1357

the attorney files the consent and form with the court, the 1358  
attorney also shall file with the court all other documents the 1359  
director of job and family services requires by rules adopted 1360  
under division (D) of section 3107.083 of the Revised Code to be 1361  
filed with the court. The court and attorney shall keep a copy of 1362  
the consent, form, and documents in the court and attorney's 1363  
records of the adoption. 1364

(E) If a minor is to be adopted by a stepparent, the parent 1365  
who is not married to the stepparent may consent to the minor's 1366  
adoption without appearing personally before a court if the parent 1367  
executes consent in the presence of a person authorized to take 1368  
acknowledgments. The attorney arranging the adoption shall file 1369  
the consent with the court and give the parent a copy of the 1370  
consent. The court and attorney shall keep a copy of the consent 1371  
in the court and attorney's records of the adoption. 1372

(F) If a parent of a minor to be adopted resides in another 1373  
state, the parent may consent to the minor's adoption without 1374  
appearing personally before a court if the parent executes consent 1375  
in the presence of a person authorized to take acknowledgments. 1376  
The attorney arranging the adoption shall file the consent with 1377  
the court and give the parent a copy of the consent. The court and 1378  
attorney shall keep a copy of the consent in the court and 1379  
attorney's records of the adoption. 1380

**Sec. 3107.082.** Not less than seventy-two hours prior to the 1381  
date a parent executes consent to the adoption of the parent's 1382  
child under section 3107.081 of the Revised Code, an assessor 1383  
shall meet in person with the parent and do both of the following 1384  
unless the child is to be adopted by a stepparent or the parent 1385  
resides in another state: 1386

(A) Provide the parent with a copy of the written materials 1387  
about adoption prepared under division (C) of section 3107.083 of 1388

the Revised Code, discuss with the parent the adoption process and 1389  
ramifications of a parent consenting to a child's adoption, and 1390  
provide the parent the opportunity to review the materials and to 1391  
ask questions about the materials, discussion, and related 1392  
matters; 1393

(B) ~~Unless~~ If the child, if adopted, will be an adopted 1394  
person as defined in section ~~3107.39~~ 3107.45 of the Revised Code, 1395  
inform the parent that the child and the adoptive parent may 1396  
receive, in accordance with section 3107.47 of the Revised Code, 1397  
identifying information about the parent that is contained in the 1398  
child's adoption file maintained by the department of health 1399  
unless the parent checks the "no" space provided on the component 1400  
of the form prescribed under division (A)(1)(b) of section 1401  
3107.083 of the Revised Code or signs and has filed with the 1402  
department a denial of release form prescribed under section 1403  
3107.50 of the Revised Code. 1404

**Sec. 3107.083.** ~~Not later than ninety days after June 20,~~ 1405  
~~1996, the~~ The director of job and family services shall do all of 1406  
the following: 1407

(A)(1) For a parent of a child who, if adopted, will be an 1408  
adopted person as defined in section 3107.45 of the Revised Code, 1409  
prescribe a form that has the following six components: 1410

(a) A component the parent signs under section 3107.071, 1411  
3107.081, or 5103.151 of the Revised Code to indicate the 1412  
requirements of section 3107.082 or 5103.152 of the Revised Code 1413  
have been met. The component shall be as follows: 1414

"Statement Concerning Ohio Law and Adoption Materials 1415

By signing this component of this form, I acknowledge that it 1416  
has been explained to me, and I understand, that, if I check the 1417  
space on the next component of this form that indicates that I 1418  
authorize the release, the adoption file maintained by the Ohio 1419

Department of Health, which contains identifying information about 1420  
me at the time of my child's birth, will be released, on request, 1421  
to the adoptive parent when the adoptee is at least age eighteen 1422  
but younger than age twenty-one and to the adoptee when he or she 1423  
is age twenty-one or older. It has also been explained to me, and 1424  
I understand, that I may prohibit the release of identifying 1425  
information about me contained in the adoption file by checking 1426  
the space on the next component of this form that indicates that I 1427  
do not authorize the release of the identifying information. It 1428  
has additionally been explained to me, and I understand, that I 1429  
may change my mind regarding the decision I make on the next 1430  
component of this form at any time and as many times as I desire 1431  
by signing, dating, and having filed with the Ohio Department of 1432  
Health a denial of release form or authorization of release form 1433  
prescribed and provided by the Department of Health and providing 1434  
the Department two items of identification. 1435

By signing this component of this form, I also acknowledge 1436  
that I have been provided a copy of written materials about 1437  
adoption prepared by the Ohio Department of Job and Family 1438  
Services, the adoption process and ramifications of consenting to 1439  
adoption or entering into a voluntary permanent custody surrender 1440  
agreement have been discussed with me, and I have been provided 1441  
the opportunity to review the materials and ask questions about 1442  
the materials and discussion. 1443

Signature of biological parent: ..... 1444

Signature of witness: ..... 1445

Date: ..... " 1446

(b) A component the parent signs under section 3107.071, 1447  
3107.081, or 5103.151 of the Revised Code regarding the parent's 1448  
decision whether to allow identifying information about the parent 1449  
contained in an adoption file maintained by the department of 1450  
health to be released to the parent's child and adoptive parent 1451



pursuant to section 3107.47 of the Revised Code. The component 1452  
shall be as follows: 1453

"Statement Regarding Release of Identifying Information 1454

The purpose of this component of this form is to allow a 1455  
biological parent to decide whether to allow the Ohio Department 1456  
of Health to provide an adoptee and adoptive parent identifying 1457  
information about the adoptee's biological parent contained in an 1458  
adoption file maintained by the Department. Please check one of 1459  
the following spaces: 1460

..... YES, I authorize the Ohio Department of Health to 1461  
release identifying information about me, on  
request, to the adoptive parent when the adoptee is  
at least age eighteen but younger than age  
twenty-one and to the adoptee when he or she is age  
twenty-one or older.

..... NO, I do not authorize the release of identifying 1462  
information about me to the adoptive parent or  
adoptee.

Signature of biological parent: ..... 1463

Signature of witness: ..... 1464

Date: ..... " 1465

(c) A component the parent, if the mother of the child, 1466  
completes and signs under section 3107.071, 3107.081, or 5103.151 1467  
of the Revised Code to indicate, to the extent of the mother's 1468  
knowledge, all of the following: 1469

(i) Whether the mother, during her pregnancy, was a recipient 1470  
of the medical assistance program established under Chapter 5111. 1471  
of the Revised Code or other public health insurance program and, 1472  
if so, the dates her eligibility began and ended; 1473

(ii) Whether the mother, during her pregnancy, was covered by 1474  
private health insurance and, if so, the dates the coverage began 1475  
and ended, the name of the insurance provider, the type of 1476

coverage, and the identification number of the coverage;	1477
(iii) The name and location of the hospital, freestanding birth center, or other place where the mother gave birth and, if different, received medical care immediately after giving birth;	1478 1479 1480
(iv) The expenses of the obstetrical and neonatal care;	1481
(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement, and, if so, what expenses are to be or have been paid and an estimate of the expenses;	1482 1483 1484 1485 1486 1487
(vi) Any other information related to expenses the department determines appropriate to be included in this component.	1488 1489
(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.	1490 1491 1492 1493 1494
(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.	1495 1496 1497 1498
(f) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.	1499 1500 1501 1502
(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.	1503 1504
(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies,	1505 1506

private child placing agencies, private noncustodial agencies, 1507  
attorneys, and persons authorized to take acknowledgments. 1508

(B)(1) For a parent of a child who, if adopted, will become 1509  
an adopted person as defined in section ~~3107.39~~ 3107.38 of the 1510  
Revised Code, prescribe a form that has the following five 1511  
components: 1512

(a) A component the parent signs under section 3107.071, 1513  
3107.081, or 5103.151 of the Revised Code to attest that the 1514  
requirement of division (A) of section 3107.082 or division (A) of 1515  
section 5103.152 of the Revised Code has been met; 1516

(b) A component the parent, if the mother of the child, 1517  
completes and signs under section 3107.071, 3107.081, or 5103.151 1518  
of the Revised Code to indicate, to the extent of the mother's 1519  
knowledge, all of the following: 1520

(i) Whether the mother, during her pregnancy, was a recipient 1521  
of the medical assistance program established under Chapter 5111. 1522  
of the Revised Code or other public health insurance program and, 1523  
if so, the dates her eligibility began and ended; 1524

(ii) Whether the mother, during her pregnancy, was covered by 1525  
private health insurance and, if so, the dates the coverage began 1526  
and ended, the name of the insurance provider, the type of 1527  
coverage, and the identification number of the coverage; 1528

(iii) The name and location of the hospital, freestanding 1529  
birth center, or other place where the mother gave birth and, if 1530  
different, received medical care immediately after giving birth; 1531

(iv) The expenses of the obstetrical and neonatal care; 1532

(v) Whether the mother has been informed that the adoptive 1533  
parent or the agency or attorney arranging the adoption are to pay 1534  
expenses involved in the adoption, including expenses the mother 1535  
has paid and expects to receive or has received reimbursement for, 1536

and, if so, what expenses are to be or have been paid and an estimate of the expenses; (vi) Any other information related to expenses the department determines appropriate to be included in the component. (c) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code. (d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code. (e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code. (2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed. (3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies, private child placing agencies, private noncustodial agencies, ~~and~~ attorneys, and persons authorized to take acknowledgments. (C) Prepare the written materials about adoption that are required to be given to parents under division (A) of section 3107.082 and division (A) of section 5103.152 of the Revised Code. The materials shall provide information about the adoption process, including ramifications of a parent consenting to a child's adoption or entering into a voluntary permanent custody surrender agreement. The materials also shall include referral information for professional counseling and adoption support

organizations. The director shall provide the materials to 1568  
assessors. 1569

(D) Adopt rules in accordance with Chapter 119. of the 1570  
Revised Code specifying the documents that must be filed with a 1571  
probate court under divisions (B) and (D) of section 3107.081 of 1572  
the Revised Code and a juvenile court under divisions (C) and (E) 1573  
of section 5103.151 of the Revised Code. 1574

**Sec. 3107.09.** (A) The department of job and family services 1575  
shall prescribe and supply forms for the taking of social and 1576  
medical histories of the biological parents of a minor available 1577  
for adoption. 1578

(B) An assessor shall record the social and medical histories 1579  
of the biological parents of a minor available for adoption, 1580  
unless the minor is to be adopted by the minor's stepparent or 1581  
grandparent. The assessor shall use the forms prescribed pursuant 1582  
to division (A) of this section. The assessor shall not include on 1583  
the forms identifying information about the biological parents or 1584  
other ancestors of the minor. 1585

(C) A social history shall describe and identify the age; 1586  
ethnic, racial, religious, marital, and physical characteristics; 1587  
and educational, cultural, talent and hobby, and work experience 1588  
background of the biological parents of the minor. A medical 1589  
history shall identify major diseases, malformations, allergies, 1590  
ear or eye defects, major conditions, and major health problems of 1591  
the biological parents that are or may be congenital or familial. 1592  
These histories may include other social and medical information 1593  
relative to the biological parents and shall include social and 1594  
medical information relative to the minor's other ancestors. 1595

The social and medical histories may be obtained through 1596  
interviews with the biological parents or other persons and from 1597  
any available records if a biological parent or any legal guardian 1598

of a biological parent consents to the release of information 1599  
contained in a record. An assessor who considers it necessary may 1600  
request that a biological parent undergo a medical examination. In 1601  
obtaining social and medical histories of a biological parent, an 1602  
assessor shall inform the biological parent, or a person other 1603  
than a biological parent who provides information pursuant to this 1604  
section, of the purpose and use of the histories and of the 1605  
biological parent's or other person's right to correct or expand 1606  
the histories at any time. 1607

(D) A biological parent, or another person who provided 1608  
information in the preparation of the social and medical histories 1609  
of the biological parents of a minor, may cause the histories to 1610  
be corrected or expanded to include different or additional types 1611  
of information. The biological parent or other person may cause 1612  
the histories to be corrected or expanded at any time prior or 1613  
subsequent to the adoption of the minor, including any time after 1614  
the minor becomes an adult. A biological parent may cause the 1615  
histories to be corrected or expanded even if the biological 1616  
parent did not provide any information to the assessor at the time 1617  
the histories were prepared. 1618

To cause the histories to be corrected or expanded, a 1619  
biological parent or other person who provided information shall 1620  
provide the information to be included or specify the information 1621  
to be corrected to whichever of the following is appropriate under 1622  
the circumstances: 1623

(1) Subject to ~~division~~ divisions (D)(2) and (3) of this 1624  
section, to the assessor who prepared the histories if the 1625  
biological parent or other person knows the assessor ~~who prepared~~ 1626  
~~the histories, to the assessor;~~ 1627

(2) ~~If~~ Subject to division (D)(3) of this section, to the 1628  
court involved in the adoption or, if that court is not known, to 1629  
the department of health, if the biological parent or person does 1630

not know the assessor or finds that the assessor has ceased to 1631  
perform assessments, ~~to the court involved in the adoption or, if~~ 1632  
~~that court is not known, to the department of health;~~ 1633

(3) To the department of health, if the histories were 1634  
originally completed by the biological parent pursuant to section 1635  
3107.40 of the Revised Code or, regardless of whether the 1636  
histories were originally completed pursuant to this section or 1637  
section 3107.091 or 3107.40 of the Revised Code, the biological 1638  
parent seeks to correct or expand the histories at the same time 1639  
the biological parent completes a contact preference form pursuant 1640  
to section 3107.39 of the Revised Code. 1641

An assessor who receives information from a biological parent 1642  
or other person pursuant to division (D)(1) of this section shall 1643  
determine whether the information is of a type that divisions (B) 1644  
and (C) of this section permit to be included in the histories. If 1645  
the assessor determines the information is of a permissible type, 1646  
the assessor shall cause the histories to be corrected or expanded 1647  
to reflect the information. If, at the time the information is 1648  
received, the histories have been filed with the court as required 1649  
by division (E) of this section, the court shall cooperate with 1650  
the assessor in correcting or expanding the histories. 1651

If the department of health or a court receives information 1652  
from a biological parent or other person pursuant to division 1653  
(D)(2) of this section or the department receives information from 1654  
a biological parent pursuant to division (D)(3) of this section, 1655  
it shall determine whether the information is of a type that 1656  
divisions (B) and (C) of this section permit to be included in the 1657  
histories. If a court determines the information is of a 1658  
permissible type, the court shall cause the histories to be 1659  
corrected or expanded to reflect the information. If the 1660  
department of health so determines, the court involved shall 1661  
cooperate with the department in the correcting or expanding of 1662

the histories. 1663

An assessor or the department of health shall notify a 1664  
biological parent or other person in writing if the assessor or 1665  
department determines that information the biological parent or 1666  
other person provided or specified for inclusion in a history is 1667  
not of a type that may be included in a history. On receipt of the 1668  
notice, the biological parent or other person may petition the 1669  
court involved in the adoption to make a finding as to whether the 1670  
information is of a type that may be included in a history. On 1671  
receipt of the petition, the court shall issue its finding without 1672  
holding a hearing. If the court finds that the information is of a 1673  
type that may be included in a history, it shall cause the history 1674  
to be corrected or expanded to reflect the information. 1675

(E) An assessor shall file the social and medical histories 1676  
of the biological parents prepared pursuant to divisions (B) and 1677  
(C) of this section with the court with which a petition to adopt 1678  
the biological parents' child is filed. The court promptly shall 1679  
provide a copy of the social and medical histories filed with it 1680  
to the petitioner. In a case involving the adoption of a minor by 1681  
any person other than the minor's stepparent or grandparent, a 1682  
court may refuse to issue an interlocutory order or final decree 1683  
of adoption if the histories of the biological parents have not 1684  
been so filed, unless the assessor certifies to the court that 1685  
information needed to prepare the histories is unavailable for 1686  
reasons beyond the assessor's control. 1687

**Sec. 3107.091.** (A) As used in this section, "biological 1688  
parent" means a biological parent whose offspring, as a minor, was 1689  
adopted and with respect to whom a medical and social history was 1690  
not prepared prior or subsequent to the adoption. 1691

(B) A biological parent may request the department of job and 1692  
family services to provide the biological parent with a copy of 1693



the social and medical history forms prescribed by the department 1694  
pursuant to section 3107.09 of the Revised Code. The department, 1695  
upon receipt of such a request, shall provide the forms to the 1696  
biological parent, if the biological parent indicates that the 1697  
forms are being requested so that the adoption records of the 1698  
biological parent's offspring will include a social and medical 1699  
history of the biological parent. 1700

In completing the forms, the biological parent may include 1701  
information described in division (C) of section 3107.09 of the 1702  
Revised Code, but shall not include identifying information. When 1703  
the biological parent has completed the forms to the extent the 1704  
biological parent wishes to provide information, the biological 1705  
parent shall return them to the department. The department shall 1706  
review the completed forms, and shall determine whether the 1707  
information included by the biological parent is of a type 1708  
permissible under divisions (B) and (C) of section 3107.09 of the 1709  
Revised Code and, to the best of its ability, whether the 1710  
information is accurate. If it determines that the forms contain 1711  
accurate, permissible information, the department, after excluding 1712  
from the forms any information the department deems impermissible, 1713  
shall file them with the court that entered the interlocutory 1714  
order or final decree of adoption in the adoption case. If the 1715  
department needs assistance in determining that court, the 1716  
department of health, upon request, shall assist it. 1717

The department of job and family services shall notify the 1718  
biological parent in writing if it excludes from the biological 1719  
parent's social and medical history forms information deemed 1720  
impermissible. On receipt of the notice, the biological parent may 1721  
petition the court with which the forms were filed to make a 1722  
finding as to whether the information is permissible. On receipt 1723  
of the petition, the court shall issue its finding without holding 1724  
a hearing. If the court finds the information is permissible, it 1725

shall cause the information to be included on the forms. 1726

Upon receiving social and medical history forms pursuant to 1727  
this section, a court shall cause them to be filed in the records 1728  
pertaining to the adoption case. 1729

Social and medical history forms completed by a biological 1730  
parent pursuant to this section may be corrected or expanded by 1731  
the biological parent in accordance with division (D) of section 1732  
3107.09 of the Revised Code. 1733

Access to the histories shall be granted in accordance with 1734  
division (D) of section 3107.17 of the Revised Code. 1735

(C) This section does not preclude a biological parent from 1736  
completing a social and medical history in accordance with section 1737  
3107.40 of the Revised Code instead of this section. 1738

**Sec. 3107.141.** After an assessor files a home study report 1739  
under section 3107.031, a social and medical history under section 1740  
3107.09, or a prefinalization assessment report under section 1741  
3107.12 of the Revised Code, or the department of job and family 1742  
services or department of health files a social and medical 1743  
history under section 3107.091 or 3107.40 of the Revised Code, a 1744  
court may do either or both of the following if the court 1745  
determines the report or history does not comply with the 1746  
requirements governing the report or history or, in the case of a 1747  
home study or prefinalization assessment report, does not enable 1748  
the court to determine whether an adoption is in the best interest 1749  
of the minor to be adopted: 1750

(A) Order the assessor or department to redo or supplement 1751  
the report or history in a manner the court directs; 1752

(B) Appoint a different assessor to redo or supplement the 1753  
report or history in a manner the court directs. 1754

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 1755  
3107.19 of the Revised Code shall be held in closed court without 1756  
the admittance of any person other than essential officers of the 1757  
court, the parties, the witnesses of the parties, counsel, persons 1758  
who have not previously consented to an adoption but who are 1759  
required to consent, and representatives of the agencies present 1760  
to perform their official duties. 1761

(B)(1) Except as provided in divisions (B)(2) and (D) of this 1762  
section, section 3107.38, and sections ~~3107.39 to 3107.44~~ and 1763  
3107.60 to 3107.68 of the Revised Code, no person or governmental 1764  
entity shall knowingly reveal any information contained in a 1765  
paper, book, or record pertaining to an adoption that is part of 1766  
the permanent record of a court or maintained by the department of 1767  
job and family services, an agency, or attorney without the 1768  
consent of a court. 1769

(2) An agency or attorney may examine the agency's or 1770  
attorney's own papers, books, and records pertaining to an 1771  
adoption without a court's consent for official administrative 1772  
purposes. The department of job and family services may examine 1773  
its own papers, books, and records pertaining to an adoption, or 1774  
such papers, books, and records of an agency, without a court's 1775  
consent for official administrative, certification, and 1776  
eligibility determination purposes. 1777

(C) The petition, the interlocutory order, the final decree 1778  
of adoption, and other adoption proceedings shall be recorded in a 1779  
book kept for such purposes and shall be separately indexed. The 1780  
book shall be a part of the records of the court, and all 1781  
consents, affidavits, and other papers shall be properly filed. 1782

(D) All forms that pertain to the social or medical histories 1783  
of the biological parents of an adopted person and that were 1784  
completed pursuant to section 3107.09 ~~or~~, 3107.091, or 3107.40 of 1785

the Revised Code shall be filed only in the permanent record kept 1786  
by the court. During the minority of the adopted person, only the 1787  
adoptive parents of the person may inspect the forms. When an 1788  
adopted person reaches majority, only the adopted person may 1789  
inspect the forms. Under the circumstances described in this 1790  
division, an adopted person or the adoptive parents are entitled 1791  
to inspect the forms upon requesting the clerk of the court to 1792  
produce them. 1793

(E)(1) The department of job and family services shall 1794  
prescribe a form that permits any person who is authorized by 1795  
division (D) of this section to inspect forms that pertain to the 1796  
social or medical histories of the biological parents and that 1797  
were completed pursuant to section 3107.09 ~~or~~ 3107.091, or 1798  
3107.40 of the Revised Code to request notice if any correction or 1799  
expansion of either such history, made pursuant to division (D) of 1800  
section 3107.09 of the Revised Code, is made a part of the 1801  
permanent record kept by the court. The form shall be designed to 1802  
facilitate the provision of the information and statements 1803  
described in division (E)(3) of this section. The department shall 1804  
provide copies of the form to each court. A court shall provide a 1805  
copy of the request form to each adoptive parent when a final 1806  
decree of adoption is entered and shall explain to each adoptive 1807  
parent at that time that an adoptive parent who completes and 1808  
files the form will be notified of any correction or expansion of 1809  
either the social or medical history of the biological parents of 1810  
the adopted person made during the minority of the adopted person 1811  
that is made a part of the permanent record kept by the court, and 1812  
that, during the adopted person's minority, the adopted person may 1813  
inspect the forms that pertain to those histories. Upon request, 1814  
the court also shall provide a copy of the request form to any 1815  
adoptive parent during the minority of the adopted person and to 1816  
an adopted person who has reached the age of majority. 1817

(2) Any person who is authorized to inspect forms pursuant to 1818  
division (D) of this section who wishes to be notified of 1819  
corrections or expansions pursuant to division (D) of section 1820  
3107.09 of the Revised Code that are made a part of the permanent 1821  
record kept by the court shall file with the court, on a copy of 1822  
the form prescribed by the department of job and family services 1823  
pursuant to division (E)(1) of this section, a request for such 1824  
notification that contains the information and statements required 1825  
by division (E)(3) of this section. A request may be filed at any 1826  
time if the person who files the request is authorized at that 1827  
time to inspect forms that pertain to the social or medical 1828  
histories. 1829

(3) A request for notification as described in division 1830  
(E)(2) of this section shall contain all of the following 1831  
information: 1832

(a) The adopted person's name and mailing address at that 1833  
time; 1834

(b) The name of each adoptive parent, and if the adoptive 1835  
person is a minor at the time of the filing of the request, the 1836  
mailing address of each adoptive parent at that time; 1837

(c) The adopted person's date of birth; 1838

(d) The date of entry of the final decree of adoption; 1839

(e) A statement requesting the court to notify the person who 1840  
files the request, at the address provided in the request, if any 1841  
correction or expansion of either the social or medical history of 1842  
the biological parents is made a part of the permanent record kept 1843  
by the court; 1844

(f) A statement that the person who files the request is 1845  
authorized, at the time of the filing, to inspect the forms that 1846  
pertain to the social and medical histories of the biological 1847  
parents; 1848

(g) The signature of the person who files the request. 1849

(4) Upon the filing of a request for notification in 1850  
accordance with division (E)(2) of this section, the clerk of the 1851  
court in which it is filed immediately shall insert the request in 1852  
the permanent record of the case. A person who has filed the 1853  
request and who wishes to update it with respect to a new mailing 1854  
address may inform the court in writing of the new address. Upon 1855  
its receipt, the court promptly shall insert the new address into 1856  
the permanent record by attaching it to the request. Thereafter, 1857  
any notification described in this division shall be sent to the 1858  
new address. 1859

(5) Whenever a social or medical history of a biological 1860  
parent is corrected or expanded and the correction or expansion is 1861  
made a part of the permanent record kept by the court, the court 1862  
shall ascertain whether a request for notification has been filed 1863  
in accordance with division (E)(2) of this section. If such a 1864  
request has been filed, the court shall determine whether, at that 1865  
time, the person who filed the request is authorized, under 1866  
division (D) of this section, to inspect the forms that pertain to 1867  
the social or medical history of the biological parents. If the 1868  
court determines that the person who filed the request is so 1869  
authorized, it immediately shall notify the person that the social 1870  
or medical history has been corrected or expanded, that it has 1871  
been made a part of the permanent record kept by the court, and 1872  
that the forms that pertain to the records may be inspected in 1873  
accordance with division (D) of this section. 1874

**Sec. 3107.171.** (A) As used in this section, "adoption file" 1875  
means a file maintained by the department of health under sections 1876  
3107.12 to 3107.124 of the Revised Code. 1877

(B) An adopted person may request that the department of 1878  
health disclose to the adopted person which court entered the 1879

interlocutory order or final decree of adoption regarding the 1880  
adopted person if the adopted person seeks to do either or both of 1881  
the following: 1882

(1) Inspect, pursuant to division (D) of section 3107.17 of 1883  
the Revised Code, a social and medical history form of a 1884  
biological parent of the adopted person; 1885

(2) Submit, pursuant to division (E) of section 3107.17 of 1886  
the Revised Code, a request for notification of a correction or 1887  
expansion of a social and medical history of a biological parent 1888  
of the adopted person. 1889

(C) On receipt of a request made under division (B) of this 1890  
section and if the adopted person is entitled to inspect the 1891  
biological parent's social and medical history form and submit the 1892  
request for notification of a correction or expansion of the 1893  
biological parent's social and medical history, the department 1894  
shall inspect the adoption file to determine which court entered 1895  
the interlocutory order or final decree of adoption. If the 1896  
department is able to determine from the adoption file which court 1897  
entered the interlocutory order or final decree of adoption, the 1898  
department shall disclose the court to the adopted person. 1899

**Sec. 3107.18.** (A) Except when giving effect to such a decree 1900  
would violate the public policy of this state, a court decree 1901  
terminating the relationship of parent and child, or establishing 1902  
the relationship by adoption, issued pursuant to due process of 1903  
law by a court of any jurisdiction outside this state, whether 1904  
within or outside the United States, shall be recognized in this 1905  
state, and the rights and obligations of the parties as to all 1906  
matters within the jurisdiction of this state, including, without 1907  
limitation, those matters specified in section 3107.15 of the 1908  
Revised Code, shall be determined as though the decree were issued 1909  
by a court of this state. A decree or certificate of adoption that 1910

is issued under the laws of a foreign country and that is verified 1911  
and approved by the immigration and naturalization service of the 1912  
United States shall be recognized in this state. Nothing in this 1913  
section prohibits a court from issuing a final decree of adoption 1914  
or interlocutory order of adoption pursuant to section 3107.14 of 1915  
the Revised Code for a person the petitioner has adopted pursuant 1916  
to a decree or certificate of adoption recognized in this state 1917  
that was issued outside the United States. 1918

(B) If a child born in a foreign country is placed with 1919  
adoptive parents or an adoptive parent in this state for the 1920  
purpose of adoption and if the adoption previously has been 1921  
finalized in the country of the child's birth, the adoptive parent 1922  
or parents may bring a petition in the probate court in their 1923  
county of residence requesting that the court issue a final decree 1924  
of adoption or an interlocutory order of adoption pursuant to 1925  
section 3107.14 of the Revised Code. In a proceeding on the 1926  
petition, proof of finalization of the adoption outside the United 1927  
States is prima-facie evidence of the consent of the parties who 1928  
are required to give consent even if the foreign decree or 1929  
certificate of adoption was issued with respect to only one of two 1930  
adoptive parents who seek to adopt the child in this state. 1931

(C) At the request of a person who has adopted a person 1932  
pursuant to a decree or certificate of adoption recognized in this 1933  
state that was issued outside the United States, the court of the 1934  
county in which the person making the request resides shall order 1935  
the department of health to issue a foreign birth record for the 1936  
adopted person under ~~division (A)(4) of section 3705.12~~ 3705.122 1937  
of the Revised Code. The court may specify a change of name for 1938  
the child and, if a physician has recommended a revision of the 1939  
birth date, a revised birth date. The court shall send to the 1940  
department with its order a copy of the foreign adoption decree or 1941  
certificate of adoption and, if the foreign decree or certificate 1942



of adoption is not in English, a translation certified as to its 1943  
accuracy by the translator and provided by the person who 1944  
requested the order. 1945

**Sec. 3107.19.** If the adopted person was born in this state or 1946  
outside the United States, the court shall forward all of the 1947  
following to the department of health within thirty days after an 1948  
adoption decree becomes final: 1949

(A) A copy of the adopted person's certificate of adoption; 1950

(B) The form prescribed under division (A)(1) of section 1951  
3107.083 of the Revised Code, if a parent filled out and signed 1952  
the form pursuant to section 3107.071, 3107.081, or 5103.151 of 1953  
the Revised Code; 1954

(C) A statement of whether the adopted person is an adopted 1955  
person as defined in section ~~3107.39~~ 3107.38 or 3107.45 of the 1956  
Revised Code. 1957

If the adopted person was born in another state of the United 1958  
States, the court shall forward a copy of the adopted person's 1959  
certificate of adoption to that state's vital statistics office 1960  
within thirty days after an adoption decree becomes final. 1961

**Sec. 3107.38.** (A) As used in this section and sections 1962  
3107.39 and 3107.40 of the Revised Code: 1963

(1) "Adopted person" means a person who was adopted but is 1964  
not an adopted person as defined in section 3107.45 of the Revised 1965  
Code. 1966

(2) "Adoption file" means the a file maintained by the 1967  
department of health under ~~section~~ sections 3705.12 to 3705.124 of 1968  
the Revised Code. 1969

~~(2)~~(3) "Biological parent" means a parent, by birth, of a 1970  
person who is, or is to become, an adopted person. 1971

(4) "Identifying information" has the same meaning as in section 3107.01 of the Revised Code. 1972  
1973

(5) "Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card. 1974  
1975  
1976  
1977  
1978

(6) "Lineal descendant of an adopted person" means a person who by reason of blood, marriage, or adoption is a lineal descendant of an adopted person. 1979  
1980  
1981

(7) "Offspring" means a child, by birth, of a person. 1982

(B) An Subject to division (C) of this section, an adopted person whose birth occurred in this state and whose adoption was decreed prior to January 1, 1964, or lineal descendant of an adopted person may do either or both of the following: 1983  
1984  
1985  
1986

(1) Submit submit a written request to the department of health for the department to provide the adopted person or lineal descendant of an adopted person with a copy of the contents of the adopted person's adoption file. The request shall provide the adopted person's requester's address, and notarized signature, and be accompanied by two items of identification of the adopted person requester. If the adopted person submits such requester is a lineal descendant of an adopted person, the request shall also provide notarized documentation evidencing the requester's relationship to the adopted person. Not later than ninety days after receiving a request, and the fee required by section 3705.241 of the Revised Code is paid, and the department has an adoption file for the adopted person, the department shall mail to the adopted person requester, at the address provided in the request, a copy of the contents of the adopted person's adoption file if the department has an adoption file for the adopted 1987  
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person. 2003

~~(2) File a petition pursuant to section 3107.41 of the Revised Code for the release of information regarding the adopted person's name by birth and the identity of the adopted person's biological parent and biological sibling.~~ 2004  
2005  
2006  
2007

(C) An adopted person or lineal descendant of an adopted person may not submit a request under this section until the adopted person or lineal descendant is at least eighteen years of age. 2008  
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2010  
2011

**Sec. 3107.39.** (A) The department of health shall prescribe a contact preference form for biological parents. The form shall include all of the following: 2012  
2013  
2014

(1) A component in which a biological parent is to indicate one of the following regarding a person who receives, under section 3107.38 of the Revised Code, a copy of the contents of the adoption file of the parent's offspring: 2015  
2016  
2017  
2018

(a) That the biological parent welcomes the person to contact the parent directly; 2019  
2020

(b) That the biological parent prefers that the person contact the parent through an intermediary who the parent specifies on the form; 2021  
2022  
2023

(c) That the biological parent prefers that the person not contact the parent directly or through an intermediary. 2024  
2025

(2) Provisions necessary for the department to be able to identify the adoption file of the adopted person to whom the form pertains; 2026  
2027  
2028

(3) The following notices: 2029

(a) If a social and medical history for the biological parent was not previously prepared or such a history was prepared but 2030  
2031

should be corrected or expanded, that the biological parent is 2032  
encouraged to do the following as appropriate: 2033

(i) Complete a social and medical history form in accordance 2034  
with section 3107.091 or 3107.40 of the Revised Code; 2035

(ii) Correct or expand the biological parent's social and 2036  
medical history in accordance with division (D) of section 3107.09 2037  
of the Revised Code. 2038

(b) That a biological parent's preference regarding contact 2039  
as indicated on a completed contact preference form is advisory 2040  
only and therefore unenforceable; 2041

(c) That the biological parent may change the parent's 2042  
indicated preference regarding contact by filing a new contact 2043  
preference form with the department. 2044

(4) A space in which the biological parent indicates whether 2045  
one or more of the following apply: 2046

(a) The biological parent knows that a social and medical 2047  
history was prepared for the biological parent pursuant to section 2048  
3107.09 of the Revised Code; 2049

(b) The biological parent completed a social and medical 2050  
history form in accordance with section 3107.091 or 3107.40 of the 2051  
Revised Code; 2052

(c) The biological parent corrected or expanded the 2053  
biological parent's social and medical history in accordance with 2054  
division (D) of section 3107.09 of the Revised Code. 2055

(5) A notice of both of the following: 2056

(a) That an adopted person may do either or both of the 2057  
following: 2058

(i) Inspect, pursuant to division (D) of section 3107.17 of 2059  
the Revised Code, a social and medical history form of a 2060  
biological parent of the adopted person maintained by the court 2061

that entered the interlocutory order or final decree of adoption 2062  
regarding the adopted person; 2063

(ii) Submit to that court, pursuant to division (E) of 2064  
section 3107.17 of the Revised Code, a request for notification of 2065  
a correction or expansion of a social and medical history of a 2066  
biological parent of the adopted person. 2067

(b) That an adopted person who does not know which court 2068  
entered the interlocutory order or final decree of adoption 2069  
regarding the adopted person may seek assistance from the 2070  
department in accordance with section 3107.171 of the Revised 2071  
Code. 2072

(B) The department shall make a contact preference form 2073  
available to a biological parent on request. The department may 2074  
accept a completed contact preference form from a biological 2075  
parent only if the parent provides the department two items of 2076  
identification of the parent. If the department determines that it 2077  
may accept a completed contact preference form, it shall place the 2078  
form in the adoption file of the adopted person to whom it 2079  
pertains. If there is a previously completed contact preference 2080  
form from the biological parent in the adopted person's adoption 2081  
file, the department shall replace the parent's older form with 2082  
the parent's new form. 2083

(C) Subject to division (B) of this section, a biological 2084  
parent may file a completed contact preference form with the 2085  
department to change the parent's indicated preference regarding 2086  
contact as many times as the parent wishes. 2087

**Sec. 3107.40.** The department of health shall attach a social 2088  
and medical history form prescribed under section 3107.09 of the 2089  
Revised Code to each contact preference form it makes available to 2090  
a biological parent pursuant to section 3107.39 of the Revised 2091  
Code. A biological parent for whom such a form was not completed 2092

in accordance with section 3107.09 of the Revised Code may 2093  
complete the form. In completing the form, the biological parent 2094  
may include information described in division (C) of section 2095  
3107.09 of the Revised Code but shall not include identifying 2096  
information. The biological parent shall return the form to the 2097  
department after completing it to the extent that the biological 2098  
parent chooses to provide information. 2099

The department shall review each social and medical history 2100  
form it receives under this section. After removing any 2101  
identifying information and any information that the department 2102  
determines, to the best of its ability, is inaccurate, the 2103  
department shall file the form with the probate court that entered 2104  
the interlocutory order or final decree of adoption. The 2105  
department shall inspect the adopted person's adoption file if 2106  
necessary to determine which probate court entered the 2107  
interlocutory order or final decree of adoption. The probate court 2108  
shall cause the form to be filed in the records pertaining to the 2109  
adoption case. 2110

The department shall provide a biological parent written 2111  
notification if it removes any information the biological parent 2112  
includes on a social and medical history form under this section. 2113  
On receipt of the notice, the biological parent may petition the 2114  
probate court with which the form is filed to make a finding as to 2115  
whether the removed information is permissible. On receipt of the 2116  
petition, the probate court shall issue its finding without 2117  
holding a hearing. The probate court shall cause any removed 2118  
information it finds to be permissible to be included on the form. 2119

Access to a social and medical history form completed under 2120  
this section shall be granted in accordance with division (D) of 2121  
section 3107.17 of the Revised Code. 2122

A biological parent who completes a social and medical 2123

history form under this section may correct or expand information 2124  
included on the form in accordance with division (D) of section 2125  
3107.09 of the Revised Code. 2126

This section does not preclude a biological parent from 2127  
completing a social and medical history in accordance with section 2128  
3107.091 of the Revised Code instead of this section. 2129

**Sec. 3107.45.** As used in sections 3107.45 to 3107.53 of the 2130  
Revised Code: 2131

(A) "Adopted person" means a person who, as a minor, was 2132  
adopted ~~but is not an "adopted person" as defined in section~~ 2133  
~~3107.39 of the Revised Code and who, on or after September 18,~~ 2134  
1996, became available or potentially available for adoption. For 2135  
the purpose of this division, a person was available or 2136  
potentially available for adoption on or after September 18, 1996, 2137  
if, on or after that date, either of the following occurred: 2138

(1) At least one of the person's birth parents executed 2139  
consent to the person's adoption. 2140

(2) A probate court entered a finding that the consent of at 2141  
least one of the person's birth parents to the person's adoption 2142  
was not needed as determined pursuant to section 3107.07 of the 2143  
Revised Code. 2144

(B) "Adoption file" means the file maintained by the 2145  
department of health under ~~section~~ sections 3705.12 to 3705.124 of 2146  
the Revised Code. 2147

(C) "Adoptive parent" means a person who adopted an adopted 2148  
person. 2149

(D) "Authorization of release form" means the form prescribed 2150  
under division (A)(2) of section 3107.50 of the Revised Code. 2151

(E) "Birth parent" means the biological parent of an adopted 2152  
person. 2153

(F) "Birth sibling" means a biological sibling of an adopted person.	2154 2155
(G) "Denial of release form" means either of the following:	2156
(1) The component of the form prescribed under division (A)(1)(b) of section 3107.083 if the birth parent checked the "no" space provided on that component.	2157 2158 2159
(2) The form prescribed under division (A)(1) of section 3107.50 of the Revised Code.	2160 2161
(H) "Effective denial of release form" means a denial of release form that has not been rescinded by an authorization of release form pursuant to division (B) of section 3107.46 of the Revised Code.	2162 2163 2164 2165
(I) "Final decree of adoption" includes an interlocutory order of adoption that has become final.	2166 2167
(J) "Identifying information" has the same meaning as in section 3107.01 of the Revised Code.	2168 2169
(K) "Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card.	2170 2171 2172 2173 2174
<b>Sec. 3107.66.</b> (A) As used in this section:	2175
(1) "Adopted person" includes both an "adopted person" as defined in section <del>3107.39</del> <u>3107.38</u> of the Revised Code and an "adopted person" as defined in section 3107.45 of the Revised Code.	2176 2177 2178 2179
(2) "Adoptive parent" means a person who adopted an adopted person.	2180 2181
(3) "Birth parent" means the biological parent of an adopted	2182



person. 2183

(4) "Birth sibling" means a biological sibling of an adopted 2184  
person. 2185

(B) An adopted person age eighteen or older, an adoptive 2186  
parent of an adopted person under age eighteen, or an adoptive 2187  
family member of a deceased adopted person may submit a written 2188  
request to the agency or attorney who arranged the adopted 2189  
person's adoption, or the probate court that finalized the adopted 2190  
person's adoption, for the agency, attorney, or court to provide 2191  
the adopted person, adoptive parent, or adoptive family member 2192  
information about the adopted person's birth parent or birth 2193  
sibling contained in the agency's, attorney's, or court's adoption 2194  
records that is nonidentifying information. Except as provided in 2195  
division (C) of this section, the agency, attorney, or court shall 2196  
provide the adopted person, adoptive parent, or adoptive family 2197  
member the information sought within a reasonable amount of time. 2198  
The agency, attorney, or court may charge a reasonable fee for 2199  
providing the information. 2200

A birth parent of an adopted person eighteen years of age or 2201  
older, a birth sibling age eighteen or older, or a birth family 2202  
member of a deceased birth parent may submit a written request to 2203  
the agency or attorney who arranged the adopted person's adoption, 2204  
or the probate court that finalized the adoption, for the agency, 2205  
attorney, or court to provide the birth parent, birth sibling, or 2206  
birth family member information about the adopted person or 2207  
adoptive parent contained in the agency's, attorney's, or court's 2208  
adoption records that is nonidentifying information. Except as 2209  
provided in division (C) of this section, the agency, attorney, or 2210  
court shall provide the birth parent, birth sibling, or birth 2211  
family member the information sought within a reasonable amount of 2212  
time. The agency, attorney, or court may charge a reasonable fee 2213  
for providing the information. 2214

(C) An agency or attorney that has permanently ceased to 2215  
arrange adoptions is not subject to division (B) of this section. 2216  
If the adoption records of such an agency or attorney are held by 2217  
a probate court, person, or other governmental entity pursuant to 2218  
section 3107.67 of the Revised Code, the adopted person, adoptive 2219  
parent, adoptive family member, birth parent, birth sibling, or 2220  
birth family member may submit the written request that otherwise 2221  
would be submitted to the agency or attorney under division (B) of 2222  
this section to the court, person, or other governmental entity 2223  
that holds the records. On receipt of the request, the court, 2224  
person, or other governmental entity shall provide the information 2225  
that the agency or attorney would have been required to provide 2226  
within a reasonable amount of time. The court, person, or other 2227  
governmental entity may charge a reasonable fee for providing the 2228  
information. 2229

(D) Prior to providing nonidentifying information pursuant to 2230  
division (B) or (C) of this section, the person or governmental 2231  
entity providing the information shall review the record to ensure 2232  
that all identifying information about any person contained in the 2233  
record is deleted. 2234

(E) An agency, attorney, person, or other governmental entity 2235  
may classify any information described in division (B)(2) of 2236  
section 3107.60 of the Revised Code as identifying information and 2237  
deny the request made under division (B) or (C) of this section if 2238  
the agency, attorney, court, person, or other governmental entity 2239  
determines that the information could lead to the identification 2240  
of the adoptive parent. This determination shall be done on a 2241  
case-by-case basis. 2242

**Sec. 3705.07.** (A) The local registrar of vital statistics 2243  
shall number consecutively the birth, fetal death, and death 2244  
certificates in three separate series, beginning with "number one" 2245

for the first birth, the first fetal death, and the first death 2246  
registered in each calendar year. Such local registrar shall sign 2247  
the local registrar's name in attest to the date of filing in the 2248  
local office. The local registrar shall make a complete and 2249  
accurate copy of each birth, fetal death, and death certificate 2250  
registered. Each copy shall be filed and permanently preserved as 2251  
the local record of such birth, fetal death, or death except as 2252  
provided in sections 3705.09 ~~and~~, 3705.12, and 3705.124 of the 2253  
Revised Code. The local record may be a typewritten, photographic, 2254  
electronic, or other reproduction. On or before the tenth day of 2255  
each month, the local registrar shall transmit to the state office 2256  
of vital statistics all original birth, fetal death, death, and 2257  
military service certificates received, and all social security 2258  
numbers obtained under section 3705.09, 3705.10, or 3705.16 of the 2259  
Revised Code, during the preceding month. The local registrar 2260  
shall immediately notify the health commissioner with jurisdiction 2261  
in the registration district of the receipt of a death certificate 2262  
attesting that death resulted from a communicable disease. 2263

The office of vital statistics shall carefully examine the 2264  
records and certificates received from local registrars of vital 2265  
statistics and shall secure any further information that may be 2266  
necessary to make each record and certificate complete and 2267  
satisfactory. It shall arrange and preserve the records and 2268  
certificates, or reproductions of them produced pursuant to 2269  
section 3705.03 of the Revised Code, in a systematic manner and 2270  
shall maintain a permanent index of all births, fetal deaths, and 2271  
deaths registered, which shall show the name of the child or 2272  
deceased person, place and date of birth or death, number of the 2273  
record or certificate, and the volume in which it is contained. 2274

(B)(1) The office of vital statistics shall make available to 2275  
the division of child support in the department of job and family 2276  
services all social security numbers that were furnished to a 2277

local registrar of vital statistics under division (I) of section 2278  
3705.09 or under section 3705.10 or 3705.16 of the Revised Code 2279  
and that were transmitted to the office under division (A) of this 2280  
section. 2281

(2) The office of vital statistics also shall make available 2282  
to the division of child support in the department of job and 2283  
family services any other information recorded in the birth record 2284  
that may enable the division to use the social security numbers 2285  
provided under division (B)(1) of this section to obtain the 2286  
location of the father of the child whose birth certificate was 2287  
accompanied by the social security number or to otherwise enforce 2288  
a child support order pertaining to that child or any other child. 2289

**Sec. 3705.08.** (A) The director of health, by rule, shall 2290  
prescribe the form of records and certificates required by this 2291  
chapter. Records and certificates shall include the items and 2292  
information prescribed by the director, including the items 2293  
recommended by the national center for health statistics of the 2294  
United States department of health and human services, subject to 2295  
approval of and modification by the director. 2296

(B) All birth certificates shall include a statement setting 2297  
forth the names of the child's parents and a line for the mother's 2298  
and the father's signature. 2299

(C) All death certificates shall include, in the medical 2300  
certification portion of the certificate, a space to indicate, if 2301  
the deceased individual is female and the manner of death is 2302  
determined to be a suspicious or violent death, whether any of the 2303  
following conditions apply to the individual: 2304

(1) Not pregnant within the past year; 2305

(2) Pregnant at the time of death; 2306

(3) Not pregnant, but had been pregnant within forty-two days 2307

prior to the time of death; 2308

(4) Not pregnant, but had been pregnant within forty-three 2309  
days to one year prior to the time of death; 2310

(5) Unknown whether pregnant within the past year. 2311

(D)(1) The director shall prescribe methods, forms, and 2312  
blanks and shall furnish necessary postage, forms, and blanks for 2313  
obtaining registration of births, deaths, and other vital 2314  
statistics in each registration district, and for preserving the 2315  
records of the office of vital statistics, and no forms or blanks 2316  
shall be used other than those prescribed by the director. 2317

(2) All birth, fetal death, and death records and 2318  
certificates shall be printed legibly or typewritten in unfading 2319  
black ink and signed. Except as provided in division (G) of 2320  
section 3705.09, ~~division (A) of section 3705.12, 3705.121,~~ 2321  
3705.122, or 3705.124, division (D) of section 3705.15, or section 2322  
3705.16 of the Revised Code, a signature required on a birth, 2323  
fetal death, or death certificate shall be written by the person 2324  
required to sign and a facsimile signature shall not be used. 2325

(3) All vital records shall contain the date received for 2326  
registration. 2327

(4) Information required in certificates, records, or reports 2328  
authorized by this chapter may be filed and registered by 2329  
photographic, electronic, or other means as prescribed by the 2330  
director. 2331

**Sec. 3705.12.** ~~(A)(1) the probate judge's~~ Upon receipt of the 2332  
items sent by a probate court pursuant to section 3107.19 of the 2333  
Revised Code concerning the adoption of a child born in this state 2334  
whose adoption was decreed on or after January 1, 1964, the 2335  
department of health shall issue, unless otherwise requested by 2336  
the adoptive parents, a new birth record using the child's adopted 2337

name and the names of and data concerning the adoptive parents. 2338  
The new birth record shall have the same overall appearance as the 2339  
record that would have been issued under section 3705.09 of the 2340  
Revised Code if the adopted child had been born to the adoptive 2341  
parents. Where handwriting is required to effect that appearance, 2342  
the department shall supply the handwriting. 2343

~~(2) Upon the issuance of the new birth record, the original 2344  
birth record shall cease to be a public record. The index 2345  
references to the original birth record, including references that 2346  
were not a public record under this section as it existed prior to 2347  
the effective date of this amendment, are a public record under 2348  
section 149.43 of the Revised Code. The department shall place the 2349  
original birth record and the items sent by the probate court 2350  
pursuant to section 3107.19 of the Revised Code in an adoption 2351  
file and seal the file. The contents of the adoption file are not 2352  
a public record and shall not be open to inspection, be copied, or 2353  
be available for copying, except as follows: 2354~~

~~(a) The department shall copy and provide an agency with a 2355  
copy of the original birth record upon the presentation by the 2356  
agency, by mail or in another reasonable manner, of a certified 2357  
copy of an order issued by a probate judge under section 3107.41 2358  
of the Revised Code only in accordance with section 3705.126 of 2359  
the Revised Code. 2360~~

~~(b) The department shall inspect the file to determine the 2361  
court involved for the purpose of division (D) of section 3107.09 2362  
or section 3107.091 or provide the name of that court to an agency 2363  
under the circumstances described in division (B)(2)(b) of section 2364  
3107.41 of the Revised Code. 2365~~

~~(c) The department shall make the file's contents available 2366  
to an adopted person or adoptive parent in accordance with section 2367  
3107.47 of the Revised Code. 2368~~

~~(d) The department shall inspect the file to assist a birth parent or birth sibling in finding the adopted person's name by adoption in accordance with section 3107.49 of the Revised Code.~~

~~(e) The department shall open the file to file a denial of release form under division (A) of section 3107.46 of the Revised Code or an authorization of release form under division (B) of that section.~~

~~(f) The department shall open the file to file a request from an adopted person under division (A) of section 3107.48 of the Revised Code or to remove and destroy the request pursuant to division (B) of that section.~~

~~(g) The court that decreed the adoption may order that the contents be made open for inspection or available for copying.~~

~~(3) The department of health shall promptly forward a copy of the new birth record to the local registrar of vital statistics of the district in which the birth occurred. The local registrar shall file a copy of the new birth record along with and in the same manner as the other copies of birth records in the registrar's possession of the local registrar. All copies of the original birth record and all other papers, documents, and index references pertaining to the original birth record in the possession of the local registrar or the probate court shall be destroyed, except that the probate court shall retain permanently in the file of the adoption proceedings information that is necessary to enable the court to identify both the child's original birth record and the child's new birth record.~~

~~(4) On receipt of the items sent by a probate court pursuant to section 3107.19 of the Revised Code concerning the adoption of a person born in a foreign country, the department of health shall issue a "foreign birth record" unless the adoptive parents or adopted person over eighteen years of age requests that such~~

~~record not be issued.~~ 2400

~~On receipt of an order issued under section 3107.18 of the Revised Code, the department of health shall issue a foreign birth record.~~ 2401  
2402  
2403

~~A foreign birth record shall be the same in all respects as a birth record issued under division (A)(1) of this section, except that it shall show the actual country of birth. After registration of the birth record in the new name of the adopted person, the department shall place the items sent by the probate court in an adoption file and seal the file. The contents of the file shall not be open to inspection, be copied, or be available for copying, except as follows:~~ 2404  
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~~(a) The department shall copy and provide an agency with a copy of the original birth record if available, upon presentation by the agency by mail or in another reasonable manner of a certified copy of an order issued by a probate judge under section 3107.41 of the Revised Code.~~ 2412  
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~~(b) The department shall inspect the envelope to determine the court involved in an adoption for the purpose of division (D) of section 3107.09 or section 3107.091 or provide the name of that court to an agency under the circumstances described in division (B)(2)(b) of section 3107.41 of the Revised Code.~~ 2417  
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~~(c) The department shall make the file's contents available to an adopted person or adoptive parent in accordance with section 3107.47 of the Revised Code.~~ 2422  
2423  
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~~(d) The department shall inspect the file to examine the adoption certificate and to assist a birth parent or birth sibling in finding the adopted person's name by adoption in accordance with section 3107.49 of the Revised Code.~~ 2425  
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~~(e) The department shall open the file to file a denial of release form under division (A) of section 3107.46 of the Revised~~ 2429  
2430



~~Code or an authorization of release form under division (B) of  
that section.~~ 2431  
2432

~~(f) The department shall open the file to file a request from  
an adopted person under division (A) of section 3107.48 of the  
Revised Code or to remove and destroy the request pursuant to  
division (B) of that section.~~ 2433  
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~~(g) The court that decreed the adoption may order that the  
contents of the envelope be made open for inspection or available  
for copying.~~ 2437  
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~~(5) A new birth record or foreign birth record, and any  
certified or exact copy of the new birth record or foreign birth  
record, when properly authenticated by a duly authorized person,  
shall be prima facie evidence in all courts and places of the  
facts stated in the new birth record.~~ 2440  
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~~(B) When the adoption of a child whose birth occurred in this  
state is decreed by a court in another state and when the  
department of health has received, from the court that decreed the  
adoption, an official communication containing information similar  
to that contained in the certificate of adoption for adoptions  
decreed in this state, division (A) of this section shall apply to  
the child's case just as if the adoption had taken place in this  
state. The department shall place the original birth record and  
all papers and documents in its possession that pertain to the  
original birth record or to the adoption of the child in an  
adoption file and seal the file. Index references to the original  
birth record, including references that were not a public record  
under this section as it existed prior to the effective date of  
this amendment, are a public record under section 149.43 of the  
Revised Code. The contents of the file shall be open to inspection  
and be copied or available for copying, and a copy of an original  
birth record shall be provided, only as authorized by division (A)  
of this section for adoptions decreed in this state.~~ 2445  
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~~(C)(1) No original birth record of any person whose birth occurred in this state and whose adoption was decreed prior to January 1, 1964, no birth record in the adopted name of any person whose birth occurred in this state and whose adoption was decreed prior to January 1, 1964, and no papers or documents that pertain to either such type of birth record or to the adoption of any such person shall be sealed on or after March 19, 1985.~~

~~(2) Original birth records of persons whose births occurred in this state and whose adoptions were decreed prior to January 1, 1964, and papers and documents that pertain to original birth records or to the adoptions of such persons, that are in the possession of the department of health, and that were sealed pursuant to division (C) of this section as it existed prior to March 19, 1985, or that were mistakenly or otherwise sealed, shall be open to inspection by and either shall be copied or made available for copying by, the adopting parents, the adopted person, or any lineal descendant of the adopted person, upon request. In all other cases, such an original birth record and such papers shall not be open to inspection, be copied, or be available for copying, except as follows:~~

~~(a) The department shall copy and provide an agency with a copy of the original birth record upon the presentation by the agency, by mail or in another reasonable manner, of a certified copy of an order issued by a probate judge under section 3107.41 of the Revised Code.~~

~~(b) The department shall inspect the file to determine the court involved in an adoption for the purpose of division (D) of section 3107.09 or section 3107.091 or provide the name of that court to an agency under the circumstances described in division (B)(2)(b) of section 3107.41 of the Revised Code.~~

~~(c) The department shall provide an adopted person a copy of the contents of the adoption file pursuant to division (B)(1) of~~

~~section 3107.38 of the Revised Code. 2495~~

~~(d) The court that decreed the adoption may order that the 2496  
contents be made open for inspection or available for copying. 2497~~

~~(3) Birth records in the adopted names of persons whose 2498  
births occurred in this state and whose adoptions were decreed 2499  
prior to January 1, 1964, and papers and documents that pertain to 2500  
such birth records or to the adoptions of such persons, that are 2501  
in the possession of the department, and that were sealed pursuant 2502  
to division (D) of this section as it existed prior to March 19, 2503  
1985, shall be open to inspection by, and either shall be copied 2504  
for or made available for copying by, the adopting parents, the 2505  
adopted person, or any lineal descendant of the adopted person, 2506  
upon request. In all other cases, such birth records and such 2507  
papers and documents shall not be open to inspection, be copied, 2508  
or be available for copying, except that the court that decreed 2509  
the adoption may order that the contents be made open for 2510  
inspection or available for copying. 2511~~

~~(D) An adopted person whose birth occurred in this state, 2512  
whose adoption was decreed prior to January 1, 1964, who did not 2513  
have a new or reissued birth record in the adopted person's 2514  
adopted name prepared pursuant to division (C) or (D) of this 2515  
section as those divisions existed prior to March 19, 1985, and 2516  
whose adoption is in full force and effect, may apply to the 2517  
department of health at any time for the preparation of a new 2518  
birth record in the person's adopted name. Upon receipt of such an 2519  
application, the department shall prepare a new birth record in 2520  
the person's name, in accordance with, and in the form described 2521  
in, division (A)(1) of this section. Upon the preparation of a 2522  
birth record in that form, the original birth record of the 2523  
applicant or the birth record issued in the adopted name of the 2524  
applicant prior to January 1, 1964, that is being replaced, 2525  
whichever is applicable, shall cease to be a public record; 2526~~

~~however, the department shall maintain that birth record and 2527  
papers and documents that pertain to it or to the adoption of the 2528  
applicant and upon request, the adoptive parents of the applicant, 2529  
the applicant, or any lineal descendant of the applicant may 2530  
inspect that birth record and those papers and records at all 2531  
reasonable times and may copy it or any of them or obtain a copy 2532  
of it or any of them at cost from the department. A birth record 2533  
in an applicant's adopted name prepared by the department under 2534  
this division, and any certified or exact copy of it that is 2535  
properly authenticated by a duly authorized person, is prima facie 2536  
evidence in all courts and places of the facts stated in it. 2537~~

~~The department promptly shall forward a copy of a birth 2538  
record in an applicant's adopted name that is prepared under this 2539  
division to the local registrar of vital statistics of the 2540  
district in which the applicant's birth occurred. The local 2541  
registrar shall file the copy along with, and in the same manner 2542  
as, the other copies of birth records in the registrar's 2543  
possession. All copies of the applicant's original birth record or 2544  
the birth record issued in the applicant's adopted name prior to 2545  
January 1, 1964, that is being replaced, and all other papers, 2546  
documents, and index references pertaining to it that are in the 2547  
possession of the local registrar or a probate court shall be 2548  
destroyed, except that the probate court shall retain permanently 2549  
in the file of adoption proceedings information that is necessary 2550  
to enable the court to identify both the applicant's original 2551  
birth record or birth record issued in the applicant's adopted 2552  
name prior to January 1, 1964, that is being replaced, and the new 2553  
birth record in the applicant's adopted name that is prepared 2554  
pursuant to this division in accordance with, and in the form 2555  
described in, division (A)(1) of this section. 2556~~

Sec. 3705.121. When the adoption of a child whose birth 2557  
occurred in this state is decreed by a court in another state and 2558

when the department of health has received, from the court that 2559  
decreed the adoption, an official communication containing 2560  
information similar to that contained in the certificate of 2561  
adoption for adoptions decreed in this state, section 3705.12 of 2562  
the Revised Code shall apply to the child's case just as if the 2563  
adoption had taken place in this state. The department shall place 2564  
the original birth record and all papers and documents in its 2565  
possession that pertain to the original birth record or to the 2566  
adoption of the child in an adoption file and seal the file. The 2567  
contents of the adoption file are not a public record and shall be 2568  
made available only in accordance with section 3705.126 of the 2569  
Revised Code. Index references to the original birth record, 2570  
including references that were not a public record under section 2571  
3705.12 of the Revised Code as that section existed before 2572  
September 18, 1996, are a public record under section 149.43 of 2573  
the Revised Code. 2574

**Sec. 3705.122.** (A) The department of health shall issue a 2575  
foreign birth record as follows: 2576

(1) On receipt of the items sent by a probate court pursuant 2577  
to section 3107.19 of the Revised Code concerning the adoption of 2578  
a person born in a foreign country, unless the adoptive parents or 2579  
adopted person over eighteen years of age requests that such 2580  
record not be issued; 2581

(2) On receipt of an order issued under section 3107.18 of 2582  
the Revised Code. 2583

(B) A foreign birth record shall be the same in all respects 2584  
as a birth record issued under section 3705.12 of the Revised 2585  
Code, except that it shall show the actual country of birth. After 2586  
registration of the birth record in the new name of the adopted 2587  
person, the department shall place the items sent by the probate 2588

court in an adoption file and seal the file. The contents of the 2589  
adoption file are not a public record and shall be made available 2590  
only in accordance with section 3705.126 of the Revised Code. 2591

**Sec. 3705.123.** No original birth record of any person whose 2592  
birth occurred in this state and whose adoption was decreed before 2593  
January 1, 1964, no birth record in the adopted name of any person 2594  
whose birth occurred in this state and whose adoption was decreed 2595  
before January 1, 1964, and no papers or documents that pertain to 2596  
either such type of birth record or to the adoption of any such 2597  
person shall be sealed on or after March 19, 1985. The department 2598  
of health shall maintain in an adoption file all such records, 2599  
papers, and documents that are in the possession of the department 2600  
and were sealed pursuant to division (C) or (D) of section 3705.12 2601  
of the Revised Code as it existed before March 19, 1985, or that 2602  
were mistakenly or otherwise sealed. The contents of the adoption 2603  
file are not a public record and shall be made available only in 2604  
accordance with section 3705.126 of the Revised Code. 2605

**Sec. 3705.124.** An adopted person whose birth occurred in this 2606  
state, whose adoption was decreed before January 1, 1964, who did 2607  
not have a new or reissued birth record in the person's adopted 2608  
name prepared pursuant to division (C) or (D) of section 3705.12 2609  
of the Revised Code as those divisions existed before March 19, 2610  
1985, and whose adoption is in full force and effect, may apply to 2611  
the department of health at any time for the preparation of a new 2612  
birth record in the person's adopted name. On receipt of such an 2613  
application, the department shall prepare a new birth record in 2614  
the person's name, in accordance with, and in the form described 2615  
in, section 3705.12 of the Revised Code. On preparation of the new 2616  
birth record, the original birth record of the applicant or the 2617  
birth record issued in the adopted name of the applicant before 2618  
January 1, 1964, that is being replaced, whichever is applicable, 2619

shall cease to be a public record. The department shall maintain 2620  
the birth record that ceased to be a public record and papers and 2621  
documents that pertain to it or to the adoption of the applicant 2622  
in an adoption file. The contents of the adoption file are not a 2623  
public record and shall be made available only in accordance with 2624  
section 3705.126 of the Revised Code. 2625

2626  
The department promptly shall forward a copy of a new birth 2627  
record in an applicant's adopted name that is prepared under this 2628  
section to the local registrar of vital statistics of the district 2629  
in which the applicant's birth occurred. The local registrar shall 2630  
file the copy along with, and in the same manner as, the other 2631  
copies of birth records in the registrar's possession. All copies 2632  
of the applicant's original birth record or the birth record 2633  
issued in the applicant's adopted name before January 1, 1964, 2634  
that is being replaced, and all other papers, documents, and index 2635  
references pertaining to it that are in the possession of the 2636  
local registrar or a probate court shall be destroyed, except that 2637  
the probate court shall retain permanently in the file of adoption 2638  
proceedings information that is necessary to enable the court to 2639  
identify both the applicant's original birth record or birth 2640  
record issued in the applicant's adopted name before January 1, 2641  
1964, that is being replaced, and the new birth record in the 2642  
applicant's adopted name that is prepared pursuant to this 2643  
section. 2644

Sec. 3705.125. A new birth record or foreign birth record, 2645  
and any certified or exact copy of the new birth record or foreign 2646  
birth record, when properly authenticated by a duly authorized 2647  
person, shall be prima facie evidence in all courts and places of 2648  
the facts stated in the new birth record or foreign birth record. 2649

Sec. 3705.126. The department of health shall neither open an adoption file nor make its contents available except as follows: 2650  
2651

(A) The department shall inspect the file to determine the court involved for the purpose of division (D) of section 3107.09 or section 3107.091, 3107.171, or 3107.40 of the Revised Code. 2652  
2653  
2654  
2655

(B) The department shall make the file's contents available to an adopted person or lineal descendant of an adopted person in accordance with section 3107.38 of the Revised Code. 2656  
2657  
2658

(C) The department shall open the file to file a contact preference form from a biological parent pursuant to section 3107.39 of the Revised Code and remove any previously filed contact preference form from the biological parent. 2659  
2660  
2661  
2662

(D) The department shall open the file to file a denial of release form under division (A) of section 3107.46 of the Revised Code or an authorization of release form under division (B) of that section. 2663  
2664  
2665  
2666

(E) The department shall make the file's contents available to an adopted person or adoptive parent in accordance with section 3107.47 of the Revised Code. 2667  
2668  
2669

(F) The department shall open the file to file a request from an adopted person under division (A) of section 3107.48 of the Revised Code or to remove and destroy the request pursuant to division (B) of that section. 2670  
2671  
2672  
2673

(G) The department shall inspect the file to assist a birth parent or birth sibling in finding the adopted person's name by adoption in accordance with section 3107.49 of the Revised Code. 2674  
2675  
2676

(H) The court that decreed the adoption may order that the contents be made open for inspection or available for copying. 2677  
2678



Sec. 3705.23. (A)(1) Except as otherwise provided in this 2679  
section, the director of health, the state registrar, or a local 2680  
registrar, on receipt of a signed application and the fee 2681  
specified in section 3705.24 of the Revised Code, shall issue a 2682  
certified copy of a vital record, or of a part of a vital record, 2683  
in the director's or registrar's custody to any applicant, unless 2684  
the vital record has ceased to be a public record pursuant to 2685  
section 3705.09, 3705.11, 3705.12, 3705.121, 3705.122, 3705.123, 2686  
3705.124, or 3705.15 of the Revised Code. The certified copy shall 2687  
show the date the vital record was registered by the local 2688  
registrar. 2689

(2) A certified copy of a vital record may be made by a 2690  
mechanical, electronic, or other reproduction process. It shall be 2691  
certified as a true copy by the director, state registrar, or 2692  
local registrar who has custody of the record and shall include 2693  
the date of issuance, the name of the issuing officer, the 2694  
signature of the officer or an authorized facsimile of the 2695  
signature, and the seal of the issuing office. 2696

(3) A certified copy of a vital record or of any part of a 2697  
vital record, issued in accordance with this section, shall be 2698  
considered for all purposes the same as the original and shall be 2699  
prima-facie evidence of the facts stated in it in all courts and 2700  
places. 2701

(4)(a) Information contained in the "information for medical 2702  
and health use only" section of a birth record shall not be 2703  
included as part of a certified copy of the birth record unless 2704  
the information specifically is requested by the individual to 2705  
whose birth the record attests, either of the individual's parents 2706  
or the individual's guardian, a lineal descendant, or an official 2707  
of the federal or state government or of a political subdivision 2708  
of the state charged by law with detecting or prosecuting crime. 2709

(b) Except as provided in division (A)(4)(a) of this section, 2710  
neither the office of vital statistics nor a local registrar shall 2711  
disclose information contained in the "information for medical and 2712  
health use only" section of a birth record unless a court, for 2713  
good cause shown, orders disclosure of the information or the 2714  
state registrar specifically authorizes release of the information 2715  
for statistical or research purposes under conditions the state 2716  
registrar, subject to the approval of the director of health, 2717  
shall establish by rule. 2718

(B)(1) Unless the applicant specifically requests a certified 2719  
copy, the director, the state registrar, or a local registrar, on 2720  
receipt of a signed application for a birth record and the fee 2721  
specified in section 3705.24 of the Revised Code, may issue a 2722  
certification of birth, and the certification of birth shall 2723  
contain at least the name, sex, date of birth, registration date, 2724  
and place of birth of the person to whose birth the record attests 2725  
and shall attest that the person's birth has been registered. A 2726  
certification of birth shall be prima-facie evidence of the facts 2727  
stated in it in all courts and places. 2728

(2) The director or the state registrar, on the receipt of a 2729  
signed application for an heirloom certification of birth and the 2730  
fee specified in section 3705.24 of the Revised Code, may issue an 2731  
heirloom certification of birth. The director shall prescribe by 2732  
rule guidelines for the form of an heirloom certification of 2733  
birth, and the guidelines shall require the heirloom certification 2734  
of birth to contain at least the name, sex, date of birth, 2735  
registration date, and place of birth of the person to whose birth 2736  
the record attests and to attest that the person's birth has been 2737  
registered. An heirloom certification of birth shall be 2738  
prima-facie evidence of the facts stated in it in all courts and 2739  
places. 2740

(3) The director or the state registrar, on the receipt of an 2741

application signed by either parent, shall issue a certificate 2742  
recognizing the delivery of a stillborn infant. The director shall 2743  
prescribe guidelines by rule for the form of the certificate. The 2744  
guidelines shall require that the certificate contain at least the 2745  
name, sex, date of delivery, and place of delivery. The director 2746  
or the state registrar shall charge no fee for the certificate. A 2747  
certificate recognizing the delivery of a stillborn infant is not 2748  
proof of a live birth for purposes of federal, state, and local 2749  
taxes. 2750

(C) On evidence that a birth certificate was registered 2751  
through misrepresentation or fraud, the state registrar may 2752  
withhold the issuance of a certified copy of the birth record or a 2753  
certification of birth until a court makes a determination that no 2754  
misrepresentation or fraud occurred. 2755

**Sec. 3705.241.** Not later than ninety days after ~~the effective~~ 2756  
~~date of this section~~ June 30, 1996, the director of health shall 2757  
adopt rules in accordance with Chapter 119. of the Revised Code 2758  
establishing the fee for providing a copy of the contents of an 2759  
adoption file pursuant to sections 3107.38 and 3107.47 of the 2760  
Revised Code. 2761

The director shall deposit fees collected under this section 2762  
in the adoption records fund, which is hereby created in the state 2763  
treasury. The department shall use the money in the fund to 2764  
perform its duties under ~~section~~ sections 3107.38 and 3107.39 and 2765  
sections 3107.45 to 3107.53 of the Revised Code. 2766

**Sec. 3705.29.** (A) No person shall do any of the following: 2767

(1) Purposely make any false statement in a certificate, 2768  
record, or report required by this chapter or in an application or 2769  
amendment of it, or purposely supply false information with the 2770  
intent that that information be used in the preparation of any 2771

such report, record, or certificate, or amendment of it;	2772
(2) Without lawful authority and with intent to deceive, counterfeit, alter, amend, or mutilate any certificate, record, or report required by this chapter or any certified copy of it;	2773 2774 2775
(3) Purposely obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another for the purpose of deception any certificate, record, or report required by this chapter or any certified copy of it, or any certificate, record, or report that is counterfeit, altered, or amended or false in whole or part;	2776 2777 2778 2779 2780 2781
(4) Purposely obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another for the purpose of deception any certificate, record, or report required by this chapter, or any certified copy of it, that relates to the birth of another person, whether living or dead;	2782 2783 2784 2785 2786
(5) Without lawful authority, possess any certificate, record, or report required by this chapter or any copy of such a certificate, record, or report, knowing it to have been stolen or otherwise unlawfully obtained.	2787 2788 2789 2790
(B) No person employed by the office of vital statistics or a local registrar shall purposely furnish or possess a birth record or certified copy of a birth record with intent that it be used for deception.	2791 2792 2793 2794
(C) No person shall do any of the following:	2795
(1) Purposely refuse to provide information required by this chapter or rules adopted under it;	2796 2797
(2) Purposely transport out of this state or accept for interment or other disposition a dead body without a permit required by this chapter;	2798 2799 2800
(3) Knowingly prepare, issue, sell, or give any record or	2801

certificate that is alleged to be an original vital record or a 2802  
certified copy of a vital record if the person knows or has reason 2803  
to know that it is not an original vital record or a certified 2804  
copy of a vital record; 2805

(4) Refuse to comply with the requirements of this chapter or 2806  
violate any of the provisions of this chapter. 2807

(D) No officer or employee of the department of health shall 2808  
knowingly reveal or provide any information contained in an 2809  
adoption file maintained by the department under section 3705.12, 2810  
3705.121, 3705.122, 3705.123, or 3705.124 of the Revised Code to 2811  
any person, or knowingly reveal or provide the contents of an 2812  
adoption file to any person, unless authorized to do so by section 2813  
~~3705.12~~ 3705.126 of the Revised Code. 2814

(E) If a death, or a fetal death of at least twenty weeks of 2815  
gestation, occurs under any circumstances mentioned in section 2816  
313.12 of the Revised Code, the coroner of the county in which the 2817  
death or fetal death occurs, or a deputy coroner, medical 2818  
examiner, or deputy medical examiner serving in an equivalent 2819  
capacity, shall certify the cause of that death unless the death 2820  
was reported to the coroner, deputy coroner, medical examiner, or 2821  
deputy medical examiner and that person, after a preliminary 2822  
examination, declined to assert jurisdiction with respect to the 2823  
death or fetal death. 2824

(F) No physician other than the coroner in the county in 2825  
which a death, or a fetal death of at least twenty weeks of 2826  
gestation, occurs, or a deputy coroner, medical examiner, or 2827  
deputy medical examiner serving in an equivalent capacity, may 2828  
certify any death or fetal death that occurs under any 2829  
circumstances other than natural. 2830

(G) If a death, or a fetal death of at least twenty weeks of 2831  
gestation, occurs under any circumstances mentioned in section 2832

313.12 of the Revised Code, no person shall knowingly present a death or fetal death certificate for the purpose of obtaining certification of the cause of death to any physician other than the coroner in the county in which the death or fetal death occurred, or to a deputy coroner, medical examiner, or deputy medical examiner serving in an equivalent capacity, unless that death or fetal death was reported to the coroner, deputy coroner, medical examiner, or deputy medical examiner and that person, after a preliminary examination, declined to assert jurisdiction with respect to the death or fetal death.

(H) No person, with intent to defraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Certify a cause of death in violation of the prohibition of division (E) or (F) of this section;

(2) Obtain or attempt to obtain a certification of the cause of a death or fetal death in violation of the prohibition of division (G) of this section.

**Sec. 5103.151.** (A) As used in this section and in section 5103.152 of the Revised Code, "identifying information" has the same meaning as in section 3107.01 of the Revised Code.

(B) Except as provided in division (C) of this section, a parent of a minor who will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code shall do all of the following as a condition of a juvenile court approving the parent's agreement with a public children services agency or private child placing agency under division (B)(1) of section 5103.15 of the Revised Code:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the 2863  
component of the form prescribed under division (A)(1)(b) of 2864  
section 3107.083 of the Revised Code and sign that component; 2865

(4) If the parent is the mother, complete and sign the 2866  
component of the form prescribed under division (A)(1)(c) of 2867  
section 3107.083 of the Revised Code. 2868

At the time the parent signs the components of the form 2869  
prescribed under divisions (A)(1)(a), (b), and (c) of section 2870  
3107.083 of the Revised Code, the parent may sign, if the parent 2871  
chooses to do so, the components of the form prescribed under 2872  
divisions (A)(1)(d), (e), and (f) of that section. After the 2873  
parent signs the components required to be signed and any 2874  
discretionary components the parent chooses to sign, the parent or 2875  
agency shall file the form and agreement with the court. The court 2876  
or agency shall give the parent a copy of the form and agreement. 2877  
The court and agency shall keep a copy of the form and agreement 2878  
in the court and agency's records. The agency shall file a copy of 2879  
the form and agreement with the probate court with which a 2880  
petition to adopt the child who is the subject of the agreement is 2881  
filed. 2882

The juvenile court shall question the parent to determine 2883  
that the parent understands the adoption process, the 2884  
ramifications of entering into a voluntary permanent custody 2885  
surrender agreement, each component of the form prescribed under 2886  
division (A)(1) of section 3107.083 of the Revised Code, and that 2887  
the child and adoptive parent may receive identifying information 2888  
about the parent in accordance with section 3107.47 of the Revised 2889  
Code unless the parent checks the "no" space provided on the 2890  
component of the form prescribed under division (A)(1)(b) of 2891  
section 3107.083 of the Revised Code or has a denial of release 2892  
form filed with the department of health under section 3107.46 of 2893  
the Revised Code. The court also shall question the parent to 2894

determine that the parent enters into the permanent custody 2895  
surrender agreement voluntarily and any decisions the parent makes 2896  
in filling out the form prescribed under division (A)(1) of 2897  
section 3107.083 of the Revised Code are made voluntarily. 2898

(C) A juvenile court may approve an agreement entered into 2899  
under division (B)(1) of section 5103.15 of the Revised Code 2900  
between a public children services agency or private child placing 2901  
agency and the parents of a child who is less than six months of 2902  
age and will be, if adopted, an adopted person as defined in 2903  
section 3107.45 of the Revised Code without the parents personally 2904  
appearing before the court if both parents do all of the 2905  
following: 2906

(1) Enter into the agreement with the agency; 2907

(2) Sign the component of the form prescribed under division 2908  
(A)(1)(a) of section 3107.083 of the Revised Code; 2909

(3) Check either the "yes" or "no" space provided on the 2910  
component of the form prescribed under division (A)(1)(b) of 2911  
section 3107.083 of the Revised Code and sign that component. 2912

At the time the parents sign the components of the form 2913  
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 2914  
of the Revised Code, the mother shall complete and sign the 2915  
component of the form prescribed under division (A)(1)(c) of that 2916  
section and the agency shall provide the parents the opportunity 2917  
to sign, if they choose to do so, the components of the form 2918  
prescribed under divisions (A)(1)(d), (e), and (f) of that 2919  
section. Not later than two business days after the parents enter 2920  
into the agreements and sign the components of the form required 2921  
to be signed and any discretionary components the parents choose 2922  
to sign, the agency shall file the agreements and forms with the 2923  
court. The agency shall give the parents a copy of the agreements 2924  
and forms. At the time the agency files the agreements and forms 2925



with the court, the agency also shall file with the court all 2926  
other documents the director of job and family services requires 2927  
by rules adopted under division (D) of section 3107.083 of the 2928  
Revised Code to be filed with the court. The court and agency 2929  
shall keep a copy of the agreements, forms, and documents in the 2930  
court and attorney's records. The agency shall file a copy of the 2931  
agreements, forms, and documents with the probate court with which 2932  
a petition to adopt the child who is the subject of the agreement 2933  
is filed. 2934

(D) Except as provided in division (E) of this section, a 2935  
parent of a minor, who will be, if adopted, an adopted person as 2936  
defined in section ~~3107.39~~ 3107.38 of the Revised Code, shall do 2937  
all of the following as a condition of a juvenile court approving 2938  
the parent's agreement with a public children services agency or 2939  
private child placing agency under division (B)(1) of section 2940  
5103.15 of the Revised Code: 2941

(1) Appear personally before the court; 2942

(2) Sign the component of the form prescribed under division 2943  
(B)(1)(a) of section ~~3107.081~~ 3107.083 of the Revised Code; 2944

(3) If the parent is the mother, complete and sign the 2945  
component of the form prescribed under division (B)(1)(b) of 2946  
section 3107.083 of the Revised Code. 2947

At the time the parent signs the components prescribed under 2948  
~~division~~ divisions (B)(1)(a) and (b) of section ~~3107.081~~ 3107.083 2949  
of the Revised Code, the parent may sign, if the parent chooses to 2950  
do so, the components of the form prescribed under divisions 2951  
(B)(1)(c), (d), and (e) of that section. After the parent signs 2952  
the components required to be signed and any discretionary 2953  
components the parent chooses to sign, the parent or agency shall 2954  
file the form and agreement with the court. The court or agency 2955  
shall give the parent a copy of the form and agreement. The court 2956

and agency shall keep a copy of the form and agreement in the 2957  
court and agency's records. The agency shall file a copy of the 2958  
form and agreement with the probate court with which a petition to 2959  
adopt the child who is the subject of the agreement is filed. 2960

The juvenile court shall question the parent to determine 2961  
that the parent understands the adoption process, the 2962  
ramifications of entering into a voluntary permanent custody 2963  
surrender agreement, and each component of the form prescribed 2964  
under division (B)(1) of section 3107.083 of the Revised Code. The 2965  
court also shall question the parent to determine that the parent 2966  
enters into the permanent custody surrender agreement voluntarily 2967  
and any decisions the parent makes in filling out the form are 2968  
made voluntarily. 2969

(E) A juvenile court may approve an agreement entered into 2970  
under division (B)(1) of section 5103.15 of the Revised Code 2971  
between a public children services agency or private child placing 2972  
agency and the parent of a child who is less than six months of 2973  
age and will be, if adopted, an adopted person as defined in 2974  
section ~~3107.39~~ 3107.38 of the Revised Code without the parent 2975  
personally appearing before the court if the parent does both of 2976  
the following: 2977

(1) Signs the component of the form prescribed under division 2978  
(B)(1)(a) of section 3107.083 of the Revised Code; 2979

(2) If the parent is the mother, completes and signs the 2980  
component of the form prescribed under division (B)(1)(b) of 2981  
section 3107.083 of the Revised Code. 2982

At the time the parent signs that component, the agency shall 2983  
provide the parent the opportunity to sign, if the parent chooses 2984  
to do so, the components of the form prescribed under divisions 2985  
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. 2986  
Not later than two business days after the parent enters into the 2987

agreement and signs the components of the form required to be 2988  
signed and any discretionary components the parent chooses to 2989  
sign, the agency shall file the agreement and form with the court. 2990  
The agency shall give the parent a copy of the agreement and form. 2991  
At the time the agency files the agreement and form with the 2992  
court, the agency also shall file with the court all other 2993  
documents the director of job and family services requires by 2994  
rules adopted under division (D) of section 3107.083 of the 2995  
Revised Code to be filed with the court. The court and agency 2996  
shall keep a copy of the agreement, form, and documents in the 2997  
court and agency's records. The agency shall file a copy of the 2998  
agreement, form, and documents with the probate court with which a 2999  
petition to adopt the child who is the subject of the agreement is 3000  
filed. 3001

**Sec. 5103.152.** Not less than seventy-two hours before a 3002  
public children services agency or private child placing agency 3003  
enters into an agreement with a parent under division (B) of 3004  
section 5103.15 of the Revised Code, an assessor shall meet in 3005  
person with the parent and do both of the following: 3006

(A) Provide the parent with a copy of the written materials 3007  
about adoption prepared by the department of job and family 3008  
services under division (C) of section 3107.083 of the Revised 3009  
Code, discuss with the parent the adoption process and 3010  
ramifications of a parent entering into a voluntary permanent 3011  
custody surrender agreement, and provide the parent the 3012  
opportunity to review the materials and ask questions about the 3013  
materials, discussion, and related matters-; 3014

(B) ~~Unless~~ If the child who is the subject of the agreement, 3015  
if adopted, will be an adopted person as defined in section 3016  
~~3107.39~~ 3107.45 of the Revised Code, inform the parent that the 3017  
parent's child and the adoptive parent may receive, in accordance 3018

with section 3107.47 of the Revised Code, identifying information 3019  
about the parent that is contained in the child's adoption file 3020  
maintained by the department of health unless the parent checks 3021  
the "no" space provided on the component of the form prescribed 3022  
under division (A)(1)(b) of section 3107.083 of the Revised Code 3023  
or signs and has filed with the department a denial of release 3024  
form prescribed under section 3107.50 of the Revised Code. 3025

**Section 2.** That existing sections 149.43, 1347.08, 2101.16, 3026  
2101.162, 2101.24, 3107.071, 3107.081, 3107.082, 3107.083, 3027  
3107.09, 3107.091, 3107.141, 3107.17, 3107.18, 3107.19, 3107.38, 3028  
3107.45, 3107.66, 3705.07, 3705.08, 3705.12, 3705.23, 3705.241, 3029  
3705.29, 5103.151, and 5103.152 and sections 3107.39, 3107.40, 3030  
3107.41, 3107.42, 3107.43, and 3107.44 of the Revised Code are 3031  
hereby repealed. 3032

**Section 3.** Sections 1 and 2 of this act shall take effect one 3033  
year after the effective date of this act. 3034

**Section 4.** The General Assembly, applying the principle 3035  
stated in division (B) of section 1.52 of the Revised Code that 3036  
amendments are to be harmonized if reasonably capable of 3037  
simultaneous operation, finds that the following sections, 3038  
presented in this act as composites of the sections, as amended by 3039  
the acts indicated, are the resulting versions of the sections in 3040  
effect prior to the effective date of the sections as presented in 3041  
this act: 3042

Section 149.43 of the Revised Code as amended by Am. Sub. 3043  
H.B. 487 and Am. Sub. S.B. 314, both of the 129th General 3044  
Assembly. 3045

Section 3705.12 of the Revised Code as amended by Am. Sub. 3046  
H.B. 266 and Am. Sub. H.B. 419, both of the 121st General 3047  
Assembly. 3048