

As Re-reported by the Senate Civil Justice Committee

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Senators Beagle, Burke

**Cosponsors: Senators Balderson, Hite, Jones, LaRose, Patton, Seitz,
Skindell, Tavares, Gardner, Faber, Cafaro, Brown, Coley, Obhof, Bacon**

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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 section 6
3107.39 and sections 3107.171, 3107.381, 3107.391, 7
3107.392, 3107.393, 3107.394, 3705.121, 3705.122, 8
3705.123, 3705.124, 3705.125, and 3705.126, and to 9
repeal sections 3107.39, 3107.40, 3107.41, 10
3107.42, 3107.43, and 3107.44 of the Revised Code 11
regarding access to adoption 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 section 3107.39 and 17
sections 3107.171, 3107.381, 3107.391, 3107.392, 3107.393, 18
3107.394, 3705.121, 3705.122, 3705.123, 3705.124, 3705.125, and 19

3705.126 of the Revised Code be enacted to 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 43
Revised Code, the office of child support in the department or a 44
child support enforcement agency; 45

(f) Records ~~listed in division (A) of section 3107.42 of the~~ 46
~~Revised Code or~~ specified in division (A) of section 3107.52 of 47
the Revised Code; 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;	73 74 75 76 77
(r) Information pertaining to the recreational activities of	78

a person under the age of eighteen;	79
(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;	80 81 82 83 84 85 86 87
(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;	88 89 90 91
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	92 93 94 95 96 97
(v) Records the release of which is prohibited by state or federal law;	98 99
(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;	100 101 102
(x) 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;	103 104 105 106 107 108
(y) Records listed in section 5101.29 of the Revised Code;	109

(z) Discharges recorded with a county recorder under section 110
317.24 of the Revised Code, as specified in division (B)(2) of 111
that section; 112

(aa) Usage information including names and addresses of 113
specific residential and commercial customers of a municipally 114
owned or operated public utility; 115

(bb) Records described in division (C) of section 187.04 of 116
the Revised Code that are not designated to be made available to 117
the public as provided in that division. 118

(2) "Confidential law enforcement investigatory record" means 119
any record that pertains to a law enforcement matter of a 120
criminal, quasi-criminal, civil, or administrative nature, but 121
only to the extent that the release of the record would create a 122
high probability of disclosure of any of the following: 123

(a) The identity of a suspect who has not been charged with 124
the offense to which the record pertains, or of an information 125
source or witness to whom confidentiality has been reasonably 126
promised; 127

(b) Information provided by an information source or witness 128
to whom confidentiality has been reasonably promised, which 129
information would reasonably tend to disclose the source's or 130
witness's identity; 131

(c) Specific confidential investigatory techniques or 132
procedures or specific investigatory work product; 133

(d) Information that would endanger the life or physical 134
safety of law enforcement personnel, a crime victim, a witness, or 135
a confidential information source. 136

(3) "Medical record" means any document or combination of 137
documents, except births, deaths, and the fact of admission to or 138
discharge from a hospital, that pertains to the medical history, 139

diagnosis, prognosis, or medical condition of a patient and that 140
is generated and maintained in the process of medical treatment. 141

(4) "Trial preparation record" means any record that contains 142
information that is specifically compiled in reasonable 143
anticipation of, or in defense of, a civil or criminal action or 144
proceeding, including the independent thought processes and 145
personal trial preparation of an attorney. 146

(5) "Intellectual property record" means a record, other than 147
a financial or administrative record, that is produced or 148
collected by or for faculty or staff of a state institution of 149
higher learning in the conduct of or as a result of study or 150
research on an educational, commercial, scientific, artistic, 151
technical, or scholarly issue, regardless of whether the study or 152
research was sponsored by the institution alone or in conjunction 153
with a governmental body or private concern, and that has not been 154
publicly released, published, or patented. 155

(6) "Donor profile record" means all records about donors or 156
potential donors to a public institution of higher education 157
except the names and reported addresses of the actual donors and 158
the date, amount, and conditions of the actual donation. 159

(7) "Peace officer, parole officer, probation officer, 160
bailiff, prosecuting attorney, assistant prosecuting attorney, 161
correctional employee, community-based correctional facility 162
employee, youth services employee, firefighter, EMT, or 163
investigator of the bureau of criminal identification and 164
investigation residential and familial information" means any 165
information that discloses any of the following about a peace 166
officer, parole officer, probation officer, bailiff, prosecuting 167
attorney, assistant prosecuting attorney, correctional employee, 168
community-based correctional facility employee, youth services 169
employee, firefighter, EMT, or investigator of the bureau of 170
criminal identification and investigation: 171

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, 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 resides;	172 173 174 175 176 177 178 179 180 181 182 183
(b) Information compiled from referral to or participation in an employee assistance program;	184 185
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a 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;	186 187 188 189 190 191 192 193 194
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a 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 by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's,	195 196 197 198 199 200 201 202 203

correctional employee's, community-based correctional facility 204
employee's, youth services employee's, firefighter's, EMT's, or 205
investigator of the bureau of criminal identification and 206
investigation's employer; 207

(e) The identity and amount of any charitable or employment 208
benefit deduction made by the peace officer's, parole officer's, 209
probation officer's, bailiff's, prosecuting attorney's, assistant 210
prosecuting attorney's, correctional employee's, community-based 211
correctional facility employee's, youth services employee's, 212
firefighter's, EMT's, or investigator of the bureau of criminal 213
identification and investigation's employer from the peace 214
officer's, parole officer's, probation officer's, bailiff's, 215
prosecuting attorney's, assistant prosecuting attorney's, 216
correctional employee's, community-based correctional facility 217
employee's, youth services employee's, firefighter's, EMT's, or 218
investigator of the bureau of criminal identification and 219
investigation's compensation unless the amount of the deduction is 220
required by state or federal law; 221

(f) The name, the residential address, the name of the 222
employer, the address of the employer, the social security number, 223
the residential telephone number, any bank account, debit card, 224
charge card, or credit card number, or the emergency telephone 225
number of the spouse, a former spouse, or any child of a peace 226
officer, parole officer, probation officer, bailiff, prosecuting 227
attorney, assistant prosecuting attorney, correctional employee, 228
community-based correctional facility employee, youth services 229
employee, firefighter, EMT, or investigator of the bureau of 230
criminal identification and investigation; 231

(g) A photograph of a peace officer who holds a position or 232
has an assignment that may include undercover or plain clothes 233
positions or assignments as determined by the peace officer's 234
appointing authority. 235

As used in divisions (A)(7) and (B)(9) of this section, 236
"peace officer" has the same meaning as in section 109.71 of the 237
Revised Code and also includes the superintendent and troopers of 238
the state highway patrol; it does not include the sheriff of a 239
county or a supervisory employee who, in the absence of the 240
sheriff, is authorized to stand in for, exercise the authority of, 241
and perform the duties of the sheriff. 242

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 243
"correctional employee" means any employee of the department of 244
rehabilitation and correction who in the course of performing the 245
employee's job duties has or has had contact with inmates and 246
persons under supervision. 247

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 248
"youth services employee" means any employee of the department of 249
youth services who in the course of performing the employee's job 250
duties has or has had contact with children committed to the 251
custody of the department of youth services. 252

As used in divisions (A)(7) and (B)(9) of this section, 253
"firefighter" means any regular, paid or volunteer, member of a 254
lawfully constituted fire department of a municipal corporation, 255
township, fire district, or village. 256

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 257
means EMTs-basic, EMTs-I, and paramedics that provide emergency 258
medical services for a public emergency medical service 259
organization. "Emergency medical service organization," 260
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 261
section 4765.01 of the Revised Code. 262

As used in divisions (A)(7) and (B)(9) of this section, 263
"investigator of the bureau of criminal identification and 264
investigation" has the meaning defined in section 2903.11 of the 265
Revised Code. 266

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

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

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

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

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

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

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

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

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

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be

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

(2) To facilitate broader access to public records, a public 314
office or the person responsible for public records shall organize 315
and maintain public records in a manner that they can be made 316
available for inspection or copying in accordance with division 317
(B) of this section. A public office also shall have available a 318
copy of its current records retention schedule at a location 319
readily available to the public. If a requester makes an ambiguous 320
or overly broad request or has difficulty in making a request for 321
copies or inspection of public records under this section such 322
that the public office or the person responsible for the requested 323
public record cannot reasonably identify what public records are 324
being requested, the public office or the person responsible for 325
the requested public record may deny the request but shall provide 326
the requester with an opportunity to revise the request by 327
informing the requester of the manner in which records are 328
maintained by the public office and accessed in the ordinary 329

course of the public office's or person's duties. 330

(3) If a request is ultimately denied, in part or in whole, 331
the public office or the person responsible for the requested 332
public record shall provide the requester with an explanation, 333
including legal authority, setting forth why the request was 334
denied. If the initial request was provided in writing, the 335
explanation also shall be provided to the requester in writing. 336
The explanation shall not preclude the public office or the person 337
responsible for the requested public record from relying upon 338
additional reasons or legal authority in defending an action 339
commenced under division (C) of this section. 340

(4) Unless specifically required or authorized by state or 341
federal law or in accordance with division (B) of this section, no 342
public office or person responsible for public records may limit 343
or condition the availability of public records by requiring 344
disclosure of the requester's identity or the intended use of the 345
requested public record. Any requirement that the requester 346
disclose the requestor's identity or the intended use of the 347
requested public record constitutes a denial of the request. 348

(5) A public office or person responsible for public records 349
may ask a requester to make the request in writing, may ask for 350
the requester's identity, and may inquire about the intended use 351
of the information requested, but may do so only after disclosing 352
to the requester that a written request is not mandatory and that 353
the requester may decline to reveal the requester's identity or 354
the intended use and when a written request or disclosure of the 355
identity or intended use would benefit the requester by enhancing 356
the ability of the public office or person responsible for public 357
records to identify, locate, or deliver the public records sought 358
by the requester. 359

(6) If any person chooses to obtain a copy of a public record 360
in accordance with division (B) of this section, the public office 361

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

(7) Upon a request made in accordance with division (B) of 380
this section and subject to division (B)(6) of this section, a 381
public office or person responsible for public records shall 382
transmit a copy of a public record to any person by United States 383
mail or by any other means of delivery or transmission within a 384
reasonable period of time after receiving the request for the 385
copy. The public office or person responsible for the public 386
record may require the person making the request to pay in advance 387
the cost of postage if the copy is transmitted by United States 388
mail or the cost of delivery if the copy is transmitted other than 389
by United States mail, and to pay in advance the costs incurred 390
for other supplies used in the mailing, delivery, or transmission. 391

Any public office may adopt a policy and procedures that it 392
will follow in transmitting, within a reasonable period of time 393

after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

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

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person

responsible for public records, having custody of the records of 426
the agency employing a specified peace officer, parole officer, 427
probation officer, bailiff, prosecuting attorney, assistant 428
prosecuting attorney, correctional employee, community-based 429
correctional facility employee, youth services employee, 430
firefighter, EMT, or investigator of the bureau of criminal 431
identification and investigation shall disclose to the journalist 432
the address of the actual personal residence of the peace officer, 433
parole officer, probation officer, bailiff, prosecuting attorney, 434
assistant prosecuting attorney, correctional employee, 435
community-based correctional facility employee, youth services 436
employee, firefighter, EMT, or investigator of the bureau of 437
criminal identification and investigation and, if the peace 438
officer's, parole officer's, probation officer's, bailiff's, 439
prosecuting attorney's, assistant prosecuting attorney's, 440
correctional employee's, community-based correctional facility 441
employee's, youth services employee's, firefighter's, EMT's, or 442
investigator of the bureau of criminal identification and 443
investigation's spouse, former spouse, or child is employed by a 444
public office, the name and address of the employer of the peace 445
officer's, parole officer's, probation officer's, bailiff's, 446
prosecuting attorney's, assistant prosecuting attorney's, 447
correctional employee's, community-based correctional facility 448
employee's, youth services employee's, firefighter's, EMT's, or 449
investigator of the bureau of criminal identification and 450
investigation's spouse, former spouse, or child. The request shall 451
include the journalist's name and title and the name and address 452
of the journalist's employer and shall state that disclosure of 453
the information sought would be in the public interest. 454

(b) Division (B)(9)(a) of this section also applies to 455
journalist requests for customer information maintained by a 456
municipally owned or operated public utility, other than social 457
security numbers and any private financial information such as 458

credit reports, payment methods, credit card numbers, and bank 459
account information. 460

(c) As used in division (B)(9) of this section, "journalist" 461
means a person engaged in, connected with, or employed by any news 462
medium, including a newspaper, magazine, press association, news 463
agency, or wire service, a radio or television station, or a 464
similar medium, for the purpose of gathering, processing, 465
transmitting, compiling, editing, or disseminating information for 466
the general public. 467

(C)(1) If a person allegedly is aggrieved by the failure of a 468
public office or the person responsible for public records to 469
promptly prepare a public record and to make it available to the 470
person for inspection in accordance with division (B) of this 471
section or by any other failure of a public office or the person 472
responsible for public records to comply with an obligation in 473
accordance with division (B) of this section, the person allegedly 474
aggrieved may commence a mandamus action to obtain a judgment that 475
orders the public office or the person responsible for the public 476
record to comply with division (B) of this section, that awards 477
court costs and reasonable attorney's fees to the person that 478
instituted the mandamus action, and, if applicable, that includes 479
an order fixing statutory damages under division (C)(1) of this 480
section. The mandamus action may be commenced in the court of 481
common pleas of the county in which division (B) of this section 482
allegedly was not complied with, in the supreme court pursuant to 483
its original jurisdiction under Section 2 of Article IV, Ohio 484
Constitution, or in the court of appeals for the appellate 485
district in which division (B) of this section allegedly was not 486
complied with pursuant to its original jurisdiction under Section 487
3 of Article IV, Ohio Constitution. 488

If a requestor transmits a written request by hand delivery 489
or certified mail to inspect or receive copies of any public 490

record in a manner that fairly describes the public record or 491
class of public records to the public office or person responsible 492
for the requested public records, except as otherwise provided in 493
this section, the requestor shall be entitled to recover the 494
amount of statutory damages set forth in this division if a court 495
determines that the public office or the person responsible for 496
public records failed to comply with an obligation in accordance 497
with division (B) of this section. 498

The amount of statutory damages shall be fixed at one hundred 499
dollars for each business day during which the public office or 500
person responsible for the requested public records failed to 501
comply with an obligation in accordance with division (B) of this 502
section, beginning with the day on which the requester files a 503
mandamus action to recover statutory damages, up to a maximum of 504
one thousand dollars. The award of statutory damages shall not be 505
construed as a penalty, but as compensation for injury arising 506
from lost use of the requested information. The existence of this 507
injury shall be conclusively presumed. The award of statutory 508
damages shall be in addition to all other remedies authorized by 509
this section. 510

The court may reduce an award of statutory damages or not 511
award statutory damages if the court determines both of the 512
following: 513

(a) That, based on the ordinary application of statutory law 514
and case law as it existed at the time of the conduct or 515
threatened conduct of the public office or person responsible for 516
the requested public records that allegedly constitutes a failure 517
to comply with an obligation in accordance with division (B) of 518
this section and that was the basis of the mandamus action, a 519
well-informed public office or person responsible for the 520
requested public records reasonably would believe that the conduct 521
or threatened conduct of the public office or person responsible 522

for the requested public records did not constitute a failure to 523
comply with an obligation in accordance with division (B) of this 524
section; 525

(b) That a well-informed public office or person responsible 526
for the requested public records reasonably would believe that the 527
conduct or threatened conduct of the public office or person 528
responsible for the requested public records would serve the 529
public policy that underlies the authority that is asserted as 530
permitting that conduct or threatened conduct. 531

(2)(a) If the court issues a writ of mandamus that orders the 532
public office or the person responsible for the public record to 533
comply with division (B) of this section and determines that the 534
circumstances described in division (C)(1) of this section exist, 535
the court shall determine and award to the relator all court 536
costs. 537

(b) If the court renders a judgment that orders the public 538
office or the person responsible for the public record to comply 539
with division (B) of this section, the court may award reasonable 540
attorney's fees subject to reduction as described in division 541
(C)(2)(c) of this section. The court shall award reasonable 542
attorney's fees, subject to reduction as described in division 543
(C)(2)(c) of this section when either of the following applies: 544

(i) The public office or the person responsible for the 545
public records failed to respond affirmatively or negatively to 546
the public records request in accordance with the time allowed 547
under division (B) of this section. 548

(ii) The public office or the person responsible for the 549
public records promised to permit the relator to inspect or 550
receive copies of the public records requested within a specified 551
period of time but failed to fulfill that promise within that 552
specified period of time. 553

(c) Court costs and reasonable attorney's fees awarded under 554
this section shall be construed as remedial and not punitive. 555
Reasonable attorney's fees shall include reasonable fees incurred 556
to produce proof of the reasonableness and amount of the fees and 557
to otherwise litigate entitlement to the fees. The court may 558
reduce an award of attorney's fees to the relator or not award 559
attorney's fees to the relator if the court determines both of the 560
following: 561

(i) That, based on the ordinary application of statutory law 562
and case law as it existed at the time of the conduct or 563
threatened conduct of the public office or person responsible for 564
the requested public records that allegedly constitutes a failure 565
to comply with an obligation in accordance with division (B) of 566
this section and that was the basis of the mandamus action, a 567
well-informed public office or person responsible for the 568
requested public records reasonably would believe that the conduct 569
or threatened conduct of the public office or person responsible 570
for the requested public records did not constitute a failure to 571
comply with an obligation in accordance with division (B) of this 572
section; 573

(ii) That a well-informed public office or person responsible 574
for the requested public records reasonably would believe that the 575
conduct or threatened conduct of the public office or person 576
responsible for the requested public records as described in 577
division (C)(2)(c)(i) of this section would serve the public 578
policy that underlies the authority that is asserted as permitting 579
that conduct or threatened conduct. 580

(D) Chapter 1347. of the Revised Code does not limit the 581
provisions of this section. 582

(E)(1) To ensure that all employees of public offices are 583
appropriately educated about a public office's obligations under 584
division (B) of this section, all elected officials or their 585

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

(2) The public office shall distribute the public records 601
policy adopted by the public office under division (E)(1) of this 602
section to the employee of the public office who is the records 603
custodian or records manager or otherwise has custody of the 604
records of that office. The public office shall require that 605
employee to acknowledge receipt of the copy of the public records 606
policy. The public office shall create a poster that describes its 607
public records policy and shall post the poster in a conspicuous 608
place in the public office and in all locations where the public 609
office has branch offices. The public office may post its public 610
records policy on the internet web site of the public office if 611
the public office maintains an internet web site. A public office 612
that has established a manual or handbook of its general policies 613
and procedures for all employees of the public office shall 614
include the public records policy of the public office in the 615
manual or handbook. 616

(F)(1) The bureau of motor vehicles may adopt rules pursuant 617

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

(2) As used in division (F)(1) of this section: 626

(a) "Actual cost" means the cost of depleted supplies, 627
records storage media costs, actual mailing and alternative 628
delivery costs, or other transmitting costs, and any direct 629
equipment operating and maintenance costs, including actual costs 630
paid to private contractors for copying services. 631

(b) "Bulk commercial special extraction request" means a 632
request for copies of a record for information in a format other 633
than the format already available, or information that cannot be 634
extracted without examination of all items in a records series, 635
class of records, or database by a person who intends to use or 636
forward the copies for surveys, marketing, solicitation, or resale 637
for commercial purposes. "Bulk commercial special extraction 638
request" does not include a request by a person who gives 639
assurance to the bureau that the person making the request does 640
not intend to use or forward the requested copies for surveys, 641
marketing, solicitation, or resale for commercial purposes. 642

(c) "Commercial" means profit-seeking production, buying, or 643
selling of any good, service, or other product. 644

(d) "Special extraction costs" means the cost of the time 645
spent by the lowest paid employee competent to perform the task, 646
the actual amount paid to outside private contractors employed by 647
the bureau, or the actual cost incurred to create computer 648

programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

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

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

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

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

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

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

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist

determines for the agency that the disclosure of the information 679
is likely to have an adverse effect on the person, in which case 680
the information shall be released to a physician, psychiatrist, or 681
psychologist who is designated by the person or by the person's 682
legal guardian. 683

(2) Upon the signed written request of either a licensed 684
attorney at law or a licensed physician designated by the inmate, 685
together with the signed written request of an inmate of a 686
correctional institution under the administration of the 687
department of rehabilitation and correction, the department shall 688
disclose medical information to the designated attorney or 689
physician as provided in division (C) of section 5120.21 of the 690
Revised Code. 691

(D) If an individual who is authorized to inspect personal 692
information that is maintained in a personal information system 693
requests the state or local agency that maintains the system to 694
provide a copy of any personal information that the individual is 695
authorized to inspect, the agency shall provide a copy of the 696
personal information to the individual. Each state and local 697
agency may establish reasonable fees for the service of copying, 698
upon request, personal information that is maintained by the 699
agency. 700

(E)(1) This section regulates access to personal information 701
that is maintained in a personal information system by persons who 702
are the subject of the information, but does not limit the 703
authority of any person, including a person who is the subject of 704
personal information maintained in a personal information system, 705
to inspect or have copied, pursuant to section 149.43 of the 706
Revised Code, a public record as defined in that section. 707

(2) This section does not provide a person who is the subject 708
of personal information maintained in a personal information 709
system, the person's legal guardian, or an attorney authorized by 710

the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

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

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of 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;

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

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

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(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;

(8) Records that identify an individual described in division

(A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;

(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code.

Sec. 2101.16. (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:

- (1) Account, in addition to advertising charges
 - \$ 12.00
 - Waivers and proof of notice of hearing on account, per page, minimum one dollar
 - \$ 1.00
- (2) Account of distribution, in addition to advertising charges
 - \$ 7.00
- (3) Adoption of child, petition for
 - \$ 50.00
- (4) Alter or cancel contract for sale or purchase of real property, complaint to
 - \$ 20.00
- (5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section

.....	\$ 5.00	767
(6) Appropriation suit, per day, hearing in		768
.....	\$ 20.00	769
(7) Birth, application for registration of		770
.....	\$ 7.00	771
(8) Birth record, application to correct		772
.....	\$ 5.00	773
(9) Bond, application for new or additional		774
.....	\$ 5.00	775
(10) Bond, application for release of surety or reduction of		776
.....	\$ 5.00	777
(11) Bond, receipt for securities deposited in lieu of		778
.....	\$ 5.00	779
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar		780
.....	\$ 1.00	781
(13) Citation and issuing citation, application for		782
.....	\$ 5.00	783
(14) Change of name, petition for		784
.....	\$ 20.00	785
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own		786
.....	\$ 10.00	787
(16) Claim, application to compromise or settle		788
.....	\$ 10.00	789
(17) Claim, authority to present		790
.....	\$ 10.00	791
(18) Commissioner, appointment of		792
.....	\$ 5.00	793
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for		794
.....	\$ 5.00	795

(20) Competency, application to procure adjudication of		796
.....	\$ 20.00	797
(21) Complete contract, application to		798
.....	\$ 10.00	799
(22) Concealment of assets, citation for		800
.....	\$ 10.00	801
(23) Construction of will, complaint for		802
.....	\$ 20.00	803
(24) Continue decedent's business, application to		804
.....	\$ 10.00	805
Monthly reports of operation		806
.....	\$ 5.00	807
(25) Declaratory judgment, complaint for		808
.....	\$ 20.00	809
(26) Deposit of will		810
.....	\$ 5.00	811
(27) Designation of heir		812
.....	\$ 20.00	813
(28) Distribution in kind, application, assent, and order		814
for		
.....	\$ 5.00	815
(29) Distribution under section 2109.36 of the Revised		816
Code, application for an order of		
.....	\$ 7.00	817
(30) Docketing and indexing proceedings, including the		818
filing and noting of all necessary documents, maximum		
fee, fifteen dollars		
.....	\$ 15.00	819
(31) Exceptions to any proceeding named in this section,		820
contest of appointment or		
.....	\$ 10.00	821
(32) Election of surviving partner to purchase assets of		822
partnership, proceedings relating to		

.....	\$ 10.00	823
(33) Election of surviving spouse under will		824
.....	\$ 5.00	825
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of		826
.....	\$ 35.00	827
(35) Foreign will, application to record		828
.....	\$ 10.00	829
Record of foreign will, additional, per page		830
.....	\$ 1.00	831
(36) Forms when supplied by the probate court, not to exceed		832
.....	\$ 10.00	833
(37) Heirship, complaint to determine		834
.....	\$ 20.00	835
(38) Injunction proceedings		836
.....	\$ 20.00	837
(39) Improve real property, petition to		838
.....	\$ 20.00	839
(40) Inventory with appraisement		840
.....	\$ 10.00	841
(41) Inventory without appraisement		842
.....	\$ 7.00	843
(42) Investment or expenditure of funds, application for		844
.....	\$ 10.00	845
(43) Invest in real property, application to		846
.....	\$ 10.00	847
(44) Lease for oil, gas, coal, or other mineral, petition to		848
.....	\$ 20.00	849
(45) Lease or lease and improve real property, petition to		850
.....	\$ 20.00	851

(46) Marriage license		852
.....	\$ 10.00	853
Certified abstract of each marriage		854
.....	\$ 2.00	855
(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of		856
.....	\$ 10.00	857
(48) Mortgage or mortgage and repair or improve real property, complaint to		858
.....	\$ 20.00	859
(49) Newly discovered assets, report of		860
.....	\$ 7.00	861
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by		862
.....	\$ 20.00	863
(51) Power of attorney or revocation of power, bonding company		864
.....	\$ 10.00	865
(52) Presumption of death, petition to establish		866
.....	\$ 20.00	867
(53) Probating will		868
.....	\$ 15.00	869
Proof of notice to beneficiaries		870
.....	\$ 5.00	871
(54) Purchase personal property, application of surviving spouse to		872
.....	\$ 10.00	873
(55) Purchase real property at appraised value, petition of surviving spouse to		874
.....	\$ 20.00	875
(56) Receipts in addition to advertising charges, application and order to record		876
.....	\$ 5.00	877

Record of those receipts, additional, per page		878
.....	\$ 1.00	879
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page		880
.....	\$ 1.00	881
(58) Release of estate by mortgagee or other lienholder		882
.....	\$ 5.00	883
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code		884
.....	\$ 60.00	885
(60) Removal of fiduciary, application for		886
.....	\$ 10.00	887
(61) Requalification of executor or administrator		888
.....	\$ 10.00	889
(62) Resignation of fiduciary		890
.....	\$ 5.00	891
(63) Sale bill, public sale of personal property		892
.....	\$ 10.00	893
(64) Sale of personal property and report, application for		894
.....	\$ 10.00	895
(65) Sale of real property, petition for		896
.....	\$ 25.00	897
(66) Terminate guardianship, petition to		898
.....	\$ 10.00	899
(67) Transfer of real property, application, entry, and certificate for		900
.....	\$ 7.00	901
(68) Unclaimed money, application to invest		902
.....	\$ 7.00	903
(69) Vacate approval of account or order of distribution, motion to		904

.....	\$ 10.00	905
(70) Writ of execution		906
.....	\$ 5.00	907
(71) Writ of possession		908
.....	\$ 5.00	909
(72) Wrongful death, application and settlement of claim for		910
.....	\$ 20.00	911
(73) Year's allowance, petition to review		912
.....	\$ 7.00	913
(74) Guardian's report, filing and review of		914
.....	\$ 5.00	915
(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.		916 917 918 919 920 921 922 923 924 925 926 927
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 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 the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.		928 929 930 931 932 933 934 935 936

(C) Thirty dollars of the thirty-five-dollar fee collected 937
pursuant to division (A)(34) of this section and twenty dollars of 938
the sixty-dollar fee collected pursuant to division (A)(59) of 939
this section shall be deposited by the county treasurer in the 940
indigent guardianship fund created pursuant to section 2111.51 of 941
the Revised Code. 942

(D) The fees of witnesses, jurors, sheriffs, coroners, and 943
constables for services rendered in the probate court or by order 944
of the probate judge shall be the same as provided for similar 945
services in the court of common pleas. 946

(E) The probate court, by rule, may require an advance 947
deposit for costs, not to exceed one hundred twenty-five dollars, 948
at the time application is made for an appointment as executor or 949
administrator or at the time a will is presented for probate. 950

~~(F) The probate court, by rule, shall establish a reasonable 951
fee, not to exceed fifty dollars, for the filing of a petition for 952
the release of information regarding an adopted person's name by 953
birth and the identity of the adopted person's biological parents 954
and biological siblings pursuant to section 3107.41 of the Revised 955
Code, all proceedings relative to the petition, the entry of an 956
order relative to the petition, and all services required to be 957
performed in connection with the petition. The probate court may 958
use a reasonable portion of a fee charged under authority of this 959
division to reimburse any agency, as defined in section 3107.39 of 960
the Revised Code, for any services it renders in performing a task 961
described in section 3107.41 of the Revised Code relative to or in 962
connection with the petition for which the fee was charged. 963~~

~~(G)~~(1) Thirty dollars of the fifty-dollar fee collected 964
pursuant to division (A)(3) of this section shall be deposited 965
into the "putative father registry fund," which is hereby created 966
in the state treasury. The department of job and family services 967
shall use the money in the fund to fund the department's costs of 968

performing its duties related to the putative father registry 969
established under section 3107.062 of the Revised Code. 970

(2) If the department determines that money in the putative 971
father registry fund is more than is needed for its duties related 972
to the putative father registry, the department may use the 973
surplus moneys in the fund as permitted in division (C) of section 974
2151.3529, division (B) of section 2151.3530, or section 5103.155 975
of the Revised Code. 976

Sec. 2101.162. (A)(1) The probate judge may determine that, 977
for the efficient operation of the probate court, additional funds 978
are required to computerize the court, make available computerized 979
legal research services, or to do both. Upon making a 980
determination that additional funds are required for either or 981
both of those purposes, the probate judge shall charge a fee not 982
to exceed three dollars or authorize and direct a deputy clerk of 983
the probate court to charge a fee not to exceed three dollars, in 984
addition to the fees specified in divisions (A)(1), (3), (4), (6), 985
(14) to (17), (20) to (25), (27), (30) to (32), (34), (35), (37) 986
to (48), (50) to (55), (59) to (61), (63) to (66), (69), and (72) 987
of section 2101.16 of the Revised Code, ~~the fee adopted pursuant~~ 988
~~to division (F) of that section,~~ and the fee charged in connection 989
with the docketing and indexing of an appeal. 990

(2) All moneys collected under division (A)(1) of this 991
section shall be paid to the county treasurer. The treasurer shall 992
place the moneys from the fees in a separate fund to be disbursed, 993
upon an order of the probate judge, in an amount no greater than 994
the actual cost to the court of procuring and maintaining 995
computerization of the court, computerized legal research 996
services, or both. 997

(3) If the court determines that the funds in the fund 998
described in division (A)(2) of this section are more than 999

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

(B)(1) The probate judge may determine that, for the 1004
efficient operation of the probate court, additional funds are 1005
required to computerize the office of the clerk of the court and, 1006
upon that determination, may charge a fee, not to exceed ten 1007
dollars, or authorize and direct a deputy clerk of the probate 1008
court to charge a fee, not to exceed ten dollars, in addition to 1009
the fees specified in divisions (A)(1), (3), (4), (6), (14) to 1010
(17), (20) to (25), (27), (30) to (32), (34), (35), (37) to (48), 1011
(50) to (55), (59) to (61), (63) to (66), (69), and (72) of 1012
section 2101.16 of the Revised Code, ~~the fee adopted pursuant to~~ 1013
~~division (F) of that section,~~ and the fee charged in connection 1014
with the docketing and indexing of an appeal. Subject to division 1015
(B)(2) of this section, all moneys collected under this division 1016
shall be paid to the county treasurer to be disbursed, upon an 1017
order of the probate judge and subject to appropriation by the 1018
board of county commissioners, in an amount no greater than the 1019
actual cost to the probate court of procuring and maintaining 1020
computer systems for the office of the clerk of the court. 1021

(2) If the probate judge makes the determination described in 1022
division (B)(1) of this section, the board of county commissioners 1023
may issue one or more general obligation bonds for the purpose of 1024
procuring and maintaining the computer systems for the office of 1025
the clerk of the probate court. In addition to the purposes stated 1026
in division (B)(1) of this section for which the moneys collected 1027
under that division may be expended, the moneys additionally may 1028
be expended to pay debt charges on and financing costs related to 1029
any general obligation bonds issued pursuant to this division as 1030
they become due. General obligation bonds issued pursuant to this 1031

division are Chapter 133. securities. 1032

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 1033
probate court has exclusive jurisdiction: 1034

(a) To take the proof of wills and to admit to record 1035
authenticated copies of wills executed, proved, and allowed in the 1036
courts of any other state, territory, or country. If the probate 1037
judge is unavoidably absent, any judge of the court of common 1038
pleas may take proof of wills and approve bonds to be given, but 1039
the record of these acts shall be preserved in the usual records 1040
of the probate court. 1041

(b) To grant and revoke letters testamentary and of 1042
administration; 1043

(c) To direct and control the conduct and settle the accounts 1044
of executors and administrators and order the distribution of 1045
estates; 1046

(d) To appoint the attorney general to serve as the 1047
administrator of an estate pursuant to section 2113.06 of the 1048
Revised Code; 1049

(e) To appoint and remove guardians, conservators, and 1050
testamentary trustees, direct and control their conduct, and 1051
settle their accounts; 1052

(f) To grant marriage licenses; 1053

(g) To make inquests respecting persons who are so mentally 1054
impaired as a result of a mental or physical illness or 1055
disability, or mental retardation, or as a result of chronic 1056
substance abuse, that they are unable to manage their property and 1057
affairs effectively, subject to guardianship; 1058

(h) To qualify assignees, appoint and qualify trustees and 1059
commissioners of insolvents, control their conduct, and settle 1060
their accounts; 1061

(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;	1062 1063 1064 1065
(j) To authorize the completion of real property contracts on petition of executors and administrators;	1066 1067
(k) To construe wills;	1068
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	1069 1070 1071
(m) To direct and control the conduct of fiduciaries and settle their accounts;	1072 1073
(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;	1074 1075
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	1076 1077
(p) To hear and determine actions to contest the validity of wills;	1078 1079
(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;	1080 1081 1082
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	1083 1084 1085 1086 1087
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	1088 1089
(t) <u>(s)</u> To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	1090 1091

(u) <u>(t)</u> To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	1092 1093 1094
(v) <u>(u)</u> To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	1095 1096 1097
(w) <u>(v)</u> To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	1098 1099 1100
(x) <u>(w)</u> To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	1101 1102 1103 1104 1105 1106
(y) <u>(x)</u> To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;	1107 1108 1109 1110 1111
(z) <u>(y)</u> To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	1112 1113 1114
(aa) <u>(z)</u> To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	1115 1116 1117 1118 1119
(bb) <u>(aa)</u> To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	1120 1121 1122

~~(ee)~~(bb) To hear and determine applications for an order 1123
granting a summary release from administration under section 1124
2113.031 of the Revised Code; 1125

~~(dd)~~(cc) To hear and determine actions relating to the 1126
exercise of the right of disposition, in accordance with section 1127
2108.90 of the Revised Code; 1128

~~(ee)~~(dd) To hear and determine actions relating to the 1129
disinterment and reinterment of human remains under section 517.23 1130
of the Revised Code; 1131

~~(ff)~~(ee) To hear and determine petitions for an order for 1132
treatment of a person suffering from alcohol and other drug abuse 1133
filed under section 5119.93 of the Revised Code and to order 1134
treatment of that nature in accordance with, and take other 1135
actions afforded to the court under, sections 5119.90 to 5119.98 1136
of the Revised Code. 1137

(2) In addition to the exclusive jurisdiction conferred upon 1138
the probate court by division (A)(1) of this section, the probate 1139
court shall have exclusive jurisdiction over a particular subject 1140
matter if both of the following apply: 1141

(a) Another section of the Revised Code expressly confers 1142
jurisdiction over that subject matter upon the probate court. 1143

(b) No section of the Revised Code expressly confers 1144
jurisdiction over that subject matter upon any other court or 1145
agency. 1146

(B)(1) The probate court has concurrent jurisdiction with, 1147
and the same powers at law and in equity as, the general division 1148
of the court of common pleas to issue writs and orders, and to 1149
hear and determine actions as follows: 1150

(a) If jurisdiction relative to a particular subject matter 1151
is stated to be concurrent in a section of the Revised Code or has 1152

been construed by judicial decision to be concurrent, any action 1153
that involves that subject matter; 1154

(b) Any action that involves an inter vivos trust; a trust 1155
created pursuant to section 5815.28 of the Revised Code; a 1156
charitable trust or foundation; subject to divisions (A)(1)~~(u)~~(t) 1157
and ~~(z)~~(y) of this section, a power of attorney, including, but 1158
not limited to, a durable power of attorney; the medical treatment 1159
of a competent adult; or a writ of habeas corpus; 1160

(c) Subject to section 2101.31 of the Revised Code, any 1161
action with respect to a probate estate, guardianship, trust, or 1162
post-death dispute that involves any of the following: 1163

(i) A designation or removal of a beneficiary of a life 1164
insurance policy, annuity contract, retirement plan, brokerage 1165
account, security account, bank account, real property, or 1166
tangible personal property; 1167

(ii) A designation or removal of a payable-on-death 1168
beneficiary or transfer-on-death beneficiary; 1169

(iii) A change in the title to any asset involving a joint 1170
and survivorship interest; 1171

(iv) An alleged gift; 1172

(v) The passing of assets upon the death of an individual 1173
otherwise than by will, intestate succession, or trust. 1174

(2) Any action that involves a concurrent jurisdiction 1175
subject matter and that is before the probate court may be 1176
transferred by the probate court, on its order, to the general 1177
division of the court of common pleas. 1178

(C) The probate court has plenary power at law and in equity 1179
to dispose fully of any matter that is properly before the court, 1180
unless the power is expressly otherwise limited or denied by a 1181
section of the Revised Code. 1182

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

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

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

(1) The parent does all of the following:

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

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

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

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

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

The court shall keep a copy of the form signed by the parent 1213
in the court records. 1214

(B) In the case of a parent whose child, if adopted, will be 1215
an adopted person as defined in section ~~3107.39~~ 3107.38 of the 1216
Revised Code: 1217

(1) The parent does both of the following: 1218

(a) Signs the component of the form prescribed under division 1219
(B)(1)(a) of section 3107.083 of the Revised Code; 1220

(b) If the parent is the mother, completes and signs the 1221
component of the form prescribed under division (B)(1)(b) of 1222
section 3107.083 of the Revised Code. 1223

(2) The agency provides the parent the opportunity to sign, 1224
if the parent chooses to do so, the components of the form 1225
prescribed under divisions (B)(1)(c), (d), and (e) of section 1226
3107.083 of the Revised Code at the time the parent enters into 1227
the agreement with the agency; 1228

(3) The agency files the form signed by the parent with the 1229
juvenile and probate courts, provides a copy of the form signed by 1230
the parent to the parent, and keeps a copy of the form signed by 1231
the parent in the agency's records. 1232

The court shall keep a copy of the form signed by the parent 1233
in the court records. 1234

Sec. 3107.081. (A) Except as provided in divisions (B), (E), 1235
and (F) of this section, a parent of a minor, who will be, if 1236
adopted, an adopted person as defined in section 3107.45 of the 1237
Revised Code, shall do all of the following as a condition of a 1238
court accepting the parent's consent to the minor's adoption: 1239

(1) Appear personally before the court; 1240

(2) Sign the component of the form prescribed under division 1241

(A)(1)(a) of section 3107.083 of the Revised Code; 1242

(3) Check either the "yes" or "no" space provided on the 1243
component of the form prescribed under division (A)(1)(b) of 1244
section 3107.083 of the Revised Code and sign that component; 1245

(4) If the parent is the mother, complete and sign the 1246
component of the form prescribed under division (A)(1)(c) of 1247
section 3107.083 of the Revised Code. 1248

At the time the parent signs the components of the form 1249
prescribed under divisions (A)(1)(a), (b), and (c) of section 1250
3107.083 of the Revised Code, the parent may sign, if the parent 1251
chooses to do so, the components of the form prescribed under 1252
divisions (A)(1)(d), (e), and (f) of that section. After the 1253
parent signs the components required to be signed and any 1254
discretionary components the parent chooses to sign, the parent, 1255
or the attorney arranging the adoption, shall file the form and 1256
parent's consent with the court. The court or attorney shall give 1257
the parent a copy of the form and consent. The court and attorney 1258
shall keep a copy of the form and consent in the court and 1259
attorney's records of the adoption. 1260

The court shall question the parent to determine that the 1261
parent understands the adoption process, the ramifications of 1262
consenting to the adoption, each component of the form prescribed 1263
under division (A)(1) of section 3107.083 of the Revised Code, and 1264
that the minor and adoptive parent may receive identifying 1265
information about the parent in accordance with section 3107.47 of 1266
the Revised Code unless the parent checks the "no" space provided 1267
on the component of the form prescribed under division (A)(1)(b) 1268
of section 3107.083 of the Revised Code or has a denial of release 1269
form filed with the department of health under section 3107.46 of 1270
the Revised Code. The court also shall question the parent to 1271
determine that the parent's consent to the adoption and any 1272
decisions the parent makes in filling out the form prescribed 1273

under division (A)(1) of section 3107.083 of the Revised Code are 1274
made voluntarily. 1275

(B) The parents of a minor, who is less than six months of 1276
age and will be, if adopted, an adopted person as defined in 1277
section 3107.45 of the Revised Code, may consent to the minor's 1278
adoption without personally appearing before a court if both 1279
parents do all of the following: 1280

(1) Execute a notarized statement of consent to the minor's 1281
adoption before the attorney arranging the adoption; 1282

(2) Sign the component of the form prescribed under division 1283
(A)(1)(a) of section 3107.083 of the Revised Code; 1284

(3) Check either the "yes" or "no" space provided on the 1285
component of the form prescribed under division (A)(1)(b) of 1286
section 3107.083 of the Revised Code and sign that component. 1287

At the time the parents sign the components of the form 1288
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 1289
of the Revised Code, the mother shall complete and sign the 1290
component of the form prescribed under division (A)(1)(c) of that 1291
section and the attorney arranging the adoption shall provide the 1292
parents the opportunity to sign, if they choose to do so, the 1293
components of the form prescribed under divisions (A)(1)(d), (e), 1294
and (f) of that section. At the time the petition to adopt the 1295
minor is submitted to the court, the attorney shall file the 1296
parents' consents and forms with the court. The attorney shall 1297
give the parents a copy of the consents and forms. At the time the 1298
attorney files the consents and forms with the court, the attorney 1299
also shall file with the court all other documents the director of 1300
job and family services requires by rules adopted under division 1301
(D) of section 3107.083 of the Revised Code to be filed with the 1302
court. The court and attorney shall keep a copy of the consents, 1303
forms, and documents in the court and attorney's records of the 1304

adoption. 1305

(C) Except as provided in divisions (D), (E), and (F) of this 1306
section, a parent of a minor, who will be, if adopted, an adopted 1307
person as defined in section ~~3107.39~~ 3107.38 of the Revised Code, 1308
shall do all of the following as a condition of a court accepting 1309
the parent's consent to the minor's adoption: 1310

(1) Appear personally before the court; 1311

(2) Sign the component of the form prescribed under division 1312
(B)(1)(a) of section 3107.083 of the Revised Code; 1313

(3) If the parent is the mother, complete and sign the 1314
component of the form prescribed under division (B)(1)(b) of 1315
section 3107.083 of the Revised Code. 1316

At the time the parent signs the components prescribed under 1317
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 1318
Code, the parent may sign, if the parent chooses to do so, the 1319
components of the form prescribed under divisions (B)(1)(c), (d), 1320
and (e) of that section. After the parent signs the components 1321
required to be signed and any discretionary components the parent 1322
chooses to sign, the parent, or the attorney arranging the 1323
adoption, shall file the form and parent's consent with the court. 1324
The court or attorney shall give the parent a copy of the form and 1325
consent. The court and attorney shall keep a copy of the form and 1326
consent in the court and attorney's records of the adoption. 1327

The court shall question the parent to determine that the 1328
parent understands the adoption process, the ramifications of 1329
consenting to the adoption, and each component of the form 1330
prescribed under division (B)(1) of section 3107.083 of the 1331
Revised Code. The court also shall question the parent to 1332
determine that the parent's consent to the adoption and any 1333
decisions the parent makes in filling out the form are made 1334
voluntarily. 1335

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

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

(2) Signs 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, completes and signs 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 of the form prescribed under divisions (B)(1)(a) and (b) of section 3107.083 of the Revised Code, the attorney arranging the adoption shall provide the parent the opportunity to 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. At the time the petition to adopt the minor is submitted to the court, the attorney shall file the parent's consent and form with the court. The attorney shall give the parent a copy of the consent and form. At the time the attorney files the consent and form 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 consent, form, and documents in the court and attorney's records of the adoption.

(E) If a minor is to be adopted by a stepparent, the parent who is not married to the stepparent may consent to the minor's adoption without appearing personally before a court if the parent

executes consent in the presence of a person authorized to take 1367
acknowledgments. The attorney arranging the adoption shall file 1368
the consent with the court and give the parent a copy of the 1369
consent. The court and attorney shall keep a copy of the consent 1370
in the court and attorney's records of the adoption. 1371

(F) If a parent of a minor to be adopted resides in another 1372
state, the parent may consent to the minor's adoption without 1373
appearing personally before a court if the parent executes consent 1374
in the presence of a person authorized to take acknowledgments. 1375
The attorney arranging the adoption shall file the consent with 1376
the court and give the parent a copy of the consent. The court and 1377
attorney shall keep a copy of the consent in the court and 1378
attorney's records of the adoption. 1379

Sec. 3107.082. Not less than seventy-two hours prior to the 1380
date a parent executes consent to the adoption of the parent's 1381
child under section 3107.081 of the Revised Code, an assessor 1382
shall meet in person with the parent and do both of the following 1383
unless the child is to be adopted by a stepparent or the parent 1384
resides in another state: 1385

(A) Provide the parent with a copy of the written materials 1386
about adoption prepared under division (C) of section 3107.083 of 1387
the Revised Code, discuss with the parent the adoption process and 1388
ramifications of a parent consenting to a child's adoption, and 1389
provide the parent the opportunity to review the materials and to 1390
ask questions about the materials, discussion, and related 1391
matters; 1392

(B) ~~Unless~~ If the child, if adopted, will be an adopted 1393
person as defined in section ~~3107.39~~ 3107.45 of the Revised Code, 1394
inform the parent that the child and the adoptive parent may 1395
receive, in accordance with section 3107.47 of the Revised Code, 1396
identifying information about the parent that is contained in the 1397

child's adoption file maintained by the department of health 1398
unless the parent checks the "no" space provided on the component 1399
of the form prescribed under division (A)(1)(b) of section 1400
3107.083 of the Revised Code or signs and has filed with the 1401
department a denial of release form prescribed under section 1402
3107.50 of the Revised Code. 1403

Sec. 3107.083. ~~Not later than ninety days after June 20,~~ 1404
~~1996, the~~ The director of job and family services shall do all of 1405
the following: 1406

(A)(1) For a parent of a child who, if adopted, will be an 1407
adopted person as defined in section 3107.45 of the Revised Code, 1408
prescribe a form that has the following six components: 1409

(a) A component the parent signs under section 3107.071, 1410
3107.081, or 5103.151 of the Revised Code to indicate the 1411
requirements of section 3107.082 or 5103.152 of the Revised Code 1412
have been met. The component shall be as follows: 1413

"Statement Concerning Ohio Law and Adoption Materials 1414

By signing this component of this form, I acknowledge that it 1415
has been explained to me, and I understand, that, if I check the 1416
space on the next component of this form that indicates that I 1417
authorize the release, the adoption file maintained by the Ohio 1418
Department of Health, which contains identifying information about 1419
me at the time of my child's birth, will be released, on request, 1420
to the adoptive parent when the adoptee is at least age eighteen 1421
but younger than age twenty-one and to the adoptee when he or she 1422
is age twenty-one or older. It has also been explained to me, and 1423
I understand, that I may prohibit the release of identifying 1424
information about me contained in the adoption file by checking 1425
the space on the next component of this form that indicates that I 1426
do not authorize the release of the identifying information. It 1427
has additionally been explained to me, and I understand, that I 1428

may change my mind regarding the decision I make on the next 1429
component of this form at any time and as many times as I desire 1430
by signing, dating, and having filed with the Ohio Department of 1431
Health a denial of release form or authorization of release form 1432
prescribed and provided by the Department of Health and providing 1433
the Department two items of identification. 1434

By signing this component of this form, I also acknowledge 1435
that I have been provided a copy of written materials about 1436
adoption prepared by the Ohio Department of Job and Family 1437
Services, the adoption process and ramifications of consenting to 1438
adoption or entering into a voluntary permanent custody surrender 1439
agreement have been discussed with me, and I have been provided 1440
the opportunity to review the materials and ask questions about 1441
the materials and discussion. 1442

Signature of biological parent: 1443
Signature of witness: 1444
Date: " 1445

(b) A component the parent signs under section 3107.071, 1446
3107.081, or 5103.151 of the Revised Code regarding the parent's 1447
decision whether to allow identifying information about the parent 1448
contained in an adoption file maintained by the department of 1449
health to be released to the parent's child and adoptive parent 1450
pursuant to section 3107.47 of the Revised Code. The component 1451
shall be as follows: 1452

"Statement Regarding Release of Identifying Information 1453

The purpose of this component of this form is to allow a 1454
biological parent to decide whether to allow the Ohio Department 1455
of Health to provide an adoptee and adoptive parent identifying 1456
information about the adoptee's biological parent contained in an 1457
adoption file maintained by the Department. Please check one of 1458
the following spaces: 1459

..... YES, I authorize the Ohio Department of Health to 1460

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 information about me to the adoptive parent or adoptee. 1461

Signature of biological parent: 1462

Signature of witness: 1463

Date: " 1464

(c) A component the parent, if the mother of the child, completes and signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to indicate, to the extent of the mother's knowledge, all of the following: 1465
1466
1467
1468

(i) Whether the mother, during her pregnancy, was a recipient of the medicaid program or other public health insurance program and, if so, the dates her eligibility began and ended; 1469
1470
1471

(ii) Whether the mother, during her pregnancy, was covered by private health insurance and, if so, the dates the coverage began and ended, the name of the insurance provider, the type of coverage, and the identification number of the coverage; 1472
1473
1474
1475

(iii) The name and location of the hospital, freestanding birthing center, or other place where the mother gave birth and, if different, received medical care immediately after giving birth; 1476
1477
1478
1479

(iv) The expenses of the obstetrical and neonatal care; 1480

(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, 1481
1482
1483
1484

and, if so, what expenses are to be or have been paid and an estimate of the expenses; 1485
1486

(vi) Any other information related to expenses the department determines appropriate to be included in this component. 1487
1488

(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. 1489
1490
1491
1492
1493

(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. 1494
1495
1496
1497

(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. 1498
1499
1500
1501

(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed. 1502
1503

(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, attorneys, and persons authorized to take acknowledgments. 1504
1505
1506
1507

(B)(1) For a parent of a child who, if adopted, will become an adopted person as defined in section ~~3107.39~~ 3107.38 of the Revised Code, prescribe a form that has the following five components: 1508
1509
1510
1511

(a) A component the parent signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to attest that the requirement of division (A) of section 3107.082 or division (A) of 1512
1513
1514

section 5103.152 of the Revised Code has been met; 1515

(b) A component the parent, if the mother of the child, 1516
completes and signs under section 3107.071, 3107.081, or 5103.151 1517
of the Revised Code to indicate, to the extent of the mother's 1518
knowledge, all of the following: 1519

(i) Whether the mother, during her pregnancy, was a recipient 1520
of the medicaid program or other public health insurance program 1521
and, if so, the dates her eligibility began and ended; 1522

(ii) Whether the mother, during her pregnancy, was covered by 1523
private health insurance and, if so, the dates the coverage began 1524
and ended, the name of the insurance provider, the type of 1525
coverage, and the identification number of the coverage; 1526

(iii) The name and location of the hospital, freestanding 1527
birthing center, or other place where the mother gave birth and, 1528
if different, received medical care immediately after giving 1529
birth; 1530

(iv) The expenses of the obstetrical and neonatal care; 1531

(v) Whether the mother has been informed that the adoptive 1532
parent or the agency or attorney arranging the adoption are to pay 1533
expenses involved in the adoption, including expenses the mother 1534
has paid and expects to receive or has received reimbursement for, 1535
and, if so, what expenses are to be or have been paid and an 1536
estimate of the expenses; 1537

(vi) Any other information related to expenses the department 1538
determines appropriate to be included in the component. 1539

(c) A component the parent may sign to authorize the agency 1540
or attorney arranging the adoption to provide to the child or 1541
adoptive parent materials, other than photographs of the parent, 1542
that the parent requests be given to the child or adoptive parent 1543
pursuant to section 3107.68 of the Revised Code. 1544

(d) A component the parent may sign to authorize the agency 1545
or attorney arranging the adoption to provide to the child or 1546
adoptive parent photographs of the parent pursuant to section 1547
3107.68 of the Revised Code. 1548

(e) A component the parent may sign to authorize the agency 1549
or attorney arranging the adoption to provide to the child or 1550
adoptive parent the first name of the parent pursuant to section 1551
3107.68 of the Revised Code. 1552

(2) State at the bottom of the form that the parent is to 1553
receive a copy of the form the parent signed. 1554

(3) Provide copies of the form prescribed under this division 1555
to probate and juvenile courts, public children services agencies, 1556
private child placing agencies, private noncustodial agencies, ~~and~~ 1557
attorneys, and persons authorized to take acknowledgments. 1558

(C) Prepare the written materials about adoption that are 1559
required to be given to parents under division (A) of section 1560
3107.082 and division (A) of section 5103.152 of the Revised Code. 1561
The materials shall provide information about the adoption 1562
process, including ramifications of a parent consenting to a 1563
child's adoption or entering into a voluntary permanent custody 1564
surrender agreement. The materials also shall include referral 1565
information for professional counseling and adoption support 1566
organizations. The director shall provide the materials to 1567
assessors. 1568

(D) Adopt rules in accordance with Chapter 119. of the 1569
Revised Code specifying the documents that must be filed with a 1570
probate court under divisions (B) and (D) of section 3107.081 of 1571
the Revised Code and a juvenile court under divisions (C) and (E) 1572
of section 5103.151 of the Revised Code. 1573

Sec. 3107.09. (A) The department of job and family services 1574

shall prescribe and supply forms for the taking of social and 1575
medical histories of the biological parents of a minor available 1576
for adoption. 1577

(B) An assessor shall record the social and medical histories 1578
of the biological parents of a minor available for adoption, 1579
unless the minor is to be adopted by the minor's stepparent or 1580
grandparent. The assessor shall use the forms prescribed pursuant 1581
to division (A) of this section. The assessor shall not include on 1582
the forms identifying information about the biological parents or 1583
other ancestors of the minor. 1584

(C) A social history shall describe and identify the age; 1585
ethnic, racial, religious, marital, and physical characteristics; 1586
and educational, cultural, talent and hobby, and work experience 1587
background of the biological parents of the minor. A medical 1588
history shall identify major diseases, malformations, allergies, 1589
ear or eye defects, major conditions, and major health problems of 1590
the biological parents that are or may be congenital or familial. 1591
These histories may include other social and medical information 1592
relative to the biological parents and shall include social and 1593
medical information relative to the minor's other ancestors. 1594

The social and medical histories may be obtained through 1595
interviews with the biological parents or other persons and from 1596
any available records if a biological parent or any legal guardian 1597
of a biological parent consents to the release of information 1598
contained in a record. An assessor who considers it necessary may 1599
request that a biological parent undergo a medical examination. In 1600
obtaining social and medical histories of a biological parent, an 1601
assessor shall inform the biological parent, or a person other 1602
than a biological parent who provides information pursuant to this 1603
section, of the purpose and use of the histories and of the 1604
biological parent's or other person's right to correct or expand 1605
the histories at any time. 1606

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

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

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

(2) ~~If~~ Subject to division (D)(3) of this section, to the court involved in the adoption or, if that court is not known, to the department of health, if the biological parent or person does not know the assessor or finds that the assessor has ceased to perform assessments, ~~to the court involved in the adoption or, if that court is not known, to the department of health;~~

(3) To the department of health, if the histories were originally completed by the biological parent pursuant to section 3107.393 of the Revised Code or, regardless of whether the histories were originally completed pursuant to this section or section 3107.091 or 3107.393 of the Revised Code, the biological parent seeks to correct or expand the histories at the same time

the biological parent completes a contact preference form pursuant 1639
to section 3107.39 of the Revised Code or a biological parent's 1640
name redaction request form pursuant to section 3107.391 of the 1641
Revised Code. 1642

An assessor who receives information from a biological parent 1643
or other person pursuant to division (D)(1) of this section shall 1644
determine whether the information is of a type that divisions (B) 1645
and (C) of this section permit to be included in the histories. If 1646
the assessor determines the information is of a permissible type, 1647
the assessor shall cause the histories to be corrected or expanded 1648
to reflect the information. If, at the time the information is 1649
received, the histories have been filed with the court as required 1650
by division (E) of this section, the court shall cooperate with 1651
the assessor in correcting or expanding the histories. 1652

If the department of health or a court receives information 1653
from a biological parent or other person pursuant to division 1654
(D)(2) of this section or the department receives information from 1655
a biological parent pursuant to division (D)(3) of this section, 1656
it shall determine whether the information is of a type that 1657
divisions (B) and (C) of this section permit to be included in the 1658
histories. If a court determines the information is of a 1659
permissible type, the court shall cause the histories to be 1660
corrected or expanded to reflect the information. If the 1661
department of health so determines, the court involved shall 1662
cooperate with the department in the correcting or expanding of 1663
the histories. 1664

An assessor or the department of health shall notify a 1665
biological parent or other person in writing if the assessor or 1666
department determines that information the biological parent or 1667
other person provided or specified for inclusion in a history is 1668
not of a type that may be included in a history. On receipt of the 1669
notice, the biological parent or other person may petition the 1670

court involved in the adoption to make a finding as to whether the information is of a type that may be included in a history. On receipt of the petition, the court shall issue its finding without holding a hearing. If the court finds that the information is of a type that may be included in a history, it shall cause the history to be corrected or expanded to reflect the information.

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

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

(B) A biological parent may request the department of job and family services to provide the biological parent with a copy of the social and medical history forms prescribed by the department pursuant to section 3107.09 of the Revised Code. The department, upon receipt of such a request, shall provide the forms to the biological parent, if the biological parent indicates that the forms are being requested so that the adoption records of the biological parent's offspring will include a social and medical history of the biological parent.

In completing the forms, the biological parent may include 1702
information described in division (C) of section 3107.09 of the 1703
Revised Code, but shall not include identifying information. When 1704
the biological parent has completed the forms to the extent the 1705
biological parent wishes to provide information, the biological 1706
parent shall return them to the department. The department shall 1707
review the completed forms, and shall determine whether the 1708
information included by the biological parent is of a type 1709
permissible under divisions (B) and (C) of section 3107.09 of the 1710
Revised Code and, to the best of its ability, whether the 1711
information is accurate. If it determines that the forms contain 1712
accurate, permissible information, the department, after excluding 1713
from the forms any information the department deems impermissible, 1714
shall file them with the court that entered the interlocutory 1715
order or final decree of adoption in the adoption case. If the 1716
department needs assistance in determining that court, the 1717
department of health, upon request, shall assist it. 1718

The department of job and family services shall notify the 1719
biological parent in writing if it excludes from the biological 1720
parent's social and medical history forms information deemed 1721
impermissible. On receipt of the notice, the biological parent may 1722
petition the court with which the forms were filed to make a 1723
finding as to whether the information is permissible. On receipt 1724
of the petition, the court shall issue its finding without holding 1725
a hearing. If the court finds the information is permissible, it 1726
shall cause the information to be included on the forms. 1727

Upon receiving social and medical history forms pursuant to 1728
this section, a court shall cause them to be filed in the records 1729
pertaining to the adoption case. 1730

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

3107.09 of the Revised Code. 1734

Access to the histories shall be granted in accordance with 1735
division (D) of section 3107.17 of the Revised Code. 1736

(C) This section does not preclude a biological parent from 1737
completing a social and medical history in accordance with section 1738
3107.393 of the Revised Code instead of this section. 1739

Sec. 3107.141. After an assessor files a home study report 1740
under section 3107.031, a social and medical history under section 1741
3107.09, or a prefinalization assessment report under section 1742
3107.12 of the Revised Code, or the department of job and family 1743
services or department of health files a social and medical 1744
history under section 3107.091 or 3107.393 of the Revised Code, a 1745
court may do either or both of the following if the court 1746
determines the report or history does not comply with the 1747
requirements governing the report or history or, in the case of a 1748
home study or prefinalization assessment report, does not enable 1749
the court to determine whether an adoption is in the best interest 1750
of the minor to be adopted: 1751

(A) Order the assessor or department to redo or supplement 1752
the report or history in a manner the court directs; 1753

(B) Appoint a different assessor to redo or supplement the 1754
report or history in a manner the court directs. 1755

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 1756
3107.19 of the Revised Code shall be held in closed court without 1757
the admittance of any person other than essential officers of the 1758
court, the parties, the witnesses of the parties, counsel, persons 1759
who have not previously consented to an adoption but who are 1760
required to consent, and representatives of the agencies present 1761
to perform their official duties. 1762

(B)(1) Except as provided in divisions (B)(2) and (D) of this 1763

section, sections 3107.38 and 3107.381, and sections ~~3107.39 to~~ 1764
~~3107.44 and~~ 3107.60 to 3107.68 of the Revised Code, no person or 1765
governmental entity shall knowingly reveal any information 1766
contained in a paper, book, or record pertaining to an adoption 1767
that is part of the permanent record of a court or maintained by 1768
the department of job and family services, an agency, or attorney 1769
without the consent of a court. 1770

(2) An agency or attorney may examine the agency's or 1771
attorney's own papers, books, and records pertaining to an 1772
adoption without a court's consent for official administrative 1773
purposes. The department of job and family services may examine 1774
its own papers, books, and records pertaining to an adoption, or 1775
such papers, books, and records of an agency, without a court's 1776
consent for official administrative, certification, and 1777
eligibility determination purposes. 1778

(C) The petition, the interlocutory order, the final decree 1779
of adoption, and other adoption proceedings shall be recorded in a 1780
book kept for such purposes and shall be separately indexed. The 1781
book shall be a part of the records of the court, and all 1782
consents, affidavits, and other papers shall be properly filed. 1783

(D) All forms that pertain to the social or medical histories 1784
of the biological parents of an adopted person and that were 1785
completed pursuant to section 3107.09 ~~or~~, 3107.091, or 3107.393 of 1786
the Revised Code shall be filed only in the permanent record kept 1787
by the court. During the minority of the adopted person, only the 1788
adoptive parents of the person may inspect the forms. When an 1789
adopted person reaches majority, only the adopted person may 1790
inspect the forms. Under the circumstances described in this 1791
division, an adopted person or the adoptive parents are entitled 1792
to inspect the forms upon requesting the clerk of the court to 1793
produce them. 1794

(E)(1) The department of job and family services shall 1795

prescribe a form that permits any person who is authorized by 1796
division (D) of this section to inspect forms that pertain to the 1797
social or medical histories of the biological parents and that 1798
were completed pursuant to section 3107.09 ~~or~~, 3107.091, or 1799
3107.393 of the Revised Code to request notice if any correction 1800
or expansion of either such history, made pursuant to division (D) 1801
of section 3107.09 of the Revised Code, is made a part of the 1802
permanent record kept by the court. The form shall be designed to 1803
facilitate the provision of the information and statements 1804
described in division (E)(3) of this section. The department shall 1805
provide copies of the form to each court. A court shall provide a 1806
copy of the request form to each adoptive parent when a final 1807
decree of adoption is entered and shall explain to each adoptive 1808
parent at that time that an adoptive parent who completes and 1809
files the form will be notified of any correction or expansion of 1810
either the social or medical history of the biological parents of 1811
the adopted person made during the minority of the adopted person 1812
that is made a part of the permanent record kept by the court, and 1813
that, during the adopted person's minority, the adopted person may 1814
inspect the forms that pertain to those histories. Upon request, 1815
the court also shall provide a copy of the request form to any 1816
adoptive parent during the minority of the adopted person and to 1817
an adopted person who has reached the age of majority. 1818

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

time to inspect forms that pertain to the social or medical 1829
histories. 1830

(3) A request for notification as described in division 1831
(E)(2) of this section shall contain all of the following 1832
information: 1833

(a) The adopted person's name and mailing address at that 1834
time; 1835

(b) The name of each adoptive parent, and if the adoptive 1836
person is a minor at the time of the filing of the request, the 1837
mailing address of each adoptive parent at that time; 1838

(c) The adopted person's date of birth; 1839

(d) The date of entry of the final decree of adoption; 1840

(e) A statement requesting the court to notify the person who 1841
files the request, at the address provided in the request, if any 1842
correction or expansion of either the social or medical history of 1843
the biological parents is made a part of the permanent record kept 1844
by the court; 1845

(f) A statement that the person who files the request is 1846
authorized, at the time of the filing, to inspect the forms that 1847
pertain to the social and medical histories of the biological 1848
parents; 1849

(g) The signature of the person who files the request. 1850

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

any notification described in this division shall be sent to the 1859
new address. 1860

(5) Whenever a social or medical history of a biological 1861
parent is corrected or expanded and the correction or expansion is 1862
made a part of the permanent record kept by the court, the court 1863
shall ascertain whether a request for notification has been filed 1864
in accordance with division (E)(2) of this section. If such a 1865
request has been filed, the court shall determine whether, at that 1866
time, the person who filed the request is authorized, under 1867
division (D) of this section, to inspect the forms that pertain to 1868
the social or medical history of the biological parents. If the 1869
court determines that the person who filed the request is so 1870
authorized, it immediately shall notify the person that the social 1871
or medical history has been corrected or expanded, that it has 1872
been made a part of the permanent record kept by the court, and 1873
that the forms that pertain to the records may be inspected in 1874
accordance with division (D) of this section. 1875

Sec. 3107.171. (A) As used in this section, "adoption file" 1876
means a file maintained by the department of health under sections 1877
3107.12 to 3107.124 of the Revised Code. 1878

(B) An adopted person may request that the department of 1879
health disclose to the adopted person which court entered the 1880
interlocutory order or final decree of adoption regarding the 1881
adopted person if the adopted person seeks to do either or both of 1882
the following: 1883

(1) Inspect, pursuant to division (D) of section 3107.17 of 1884
the Revised Code, a social and medical history form of a 1885
biological parent of the adopted person; 1886

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

of the adopted person. 1890

(C) On receipt of a request made under division (B) of this 1891
section and if the adopted person is entitled to inspect the 1892
biological parent's social and medical history form and submit the 1893
request for notification of a correction or expansion of the 1894
biological parent's social and medical history, the department 1895
shall inspect the adoption file to determine which court entered 1896
the interlocutory order or final decree of adoption. If the 1897
department is able to determine from the adoption file which court 1898
entered the interlocutory order or final decree of adoption, the 1899
department shall disclose the court to the adopted person. 1900

Sec. 3107.18. (A) Except when giving effect to such a decree 1901
would violate the public policy of this state, a court decree 1902
terminating the relationship of parent and child, or establishing 1903
the relationship by adoption, issued pursuant to due process of 1904
law by a court of any jurisdiction outside this state, whether 1905
within or outside the United States, shall be recognized in this 1906
state, and the rights and obligations of the parties as to all 1907
matters within the jurisdiction of this state, including, without 1908
limitation, those matters specified in section 3107.15 of the 1909
Revised Code, shall be determined as though the decree were issued 1910
by a court of this state. A decree or certificate of adoption that 1911
is issued under the laws of a foreign country and that is verified 1912
and approved by the immigration and naturalization service of the 1913
United States shall be recognized in this state. Nothing in this 1914
section prohibits a court from issuing a final decree of adoption 1915
or interlocutory order of adoption pursuant to section 3107.14 of 1916
the Revised Code for a person the petitioner has adopted pursuant 1917
to a decree or certificate of adoption recognized in this state 1918
that was issued outside the United States. 1919

(B) If a child born in a foreign country is placed with 1920

adoptive parents or an adoptive parent in this state for the 1921
purpose of adoption and if the adoption previously has been 1922
finalized in the country of the child's birth, the adoptive parent 1923
or parents may bring a petition in the probate court in their 1924
county of residence requesting that the court issue a final decree 1925
of adoption or an interlocutory order of adoption pursuant to 1926
section 3107.14 of the Revised Code. In a proceeding on the 1927
petition, proof of finalization of the adoption outside the United 1928
States is prima-facie evidence of the consent of the parties who 1929
are required to give consent even if the foreign decree or 1930
certificate of adoption was issued with respect to only one of two 1931
adoptive parents who seek to adopt the child in this state. 1932

(C) At the request of a person who has adopted a person 1933
pursuant to a decree or certificate of adoption recognized in this 1934
state that was issued outside the United States, the court of the 1935
county in which the person making the request resides shall order 1936
the department of health to issue a foreign birth record for the 1937
adopted person under ~~division (A)(4) of section 3705.12~~ 3705.122 1938
of the Revised Code. The court may specify a change of name for 1939
the child and, if a physician has recommended a revision of the 1940
birth date, a revised birth date. The court shall send to the 1941
department with its order a copy of the foreign adoption decree or 1942
certificate of adoption and, if the foreign decree or certificate 1943
of adoption is not in English, a translation certified as to its 1944
accuracy by the translator and provided by the person who 1945
requested the order. 1946

Sec. 3107.19. If the adopted person was born in this state or 1947
outside the United States, the court shall forward all of the 1948
following to the department of health within thirty days after an 1949
adoption decree becomes final: 1950

(A) A copy of the adopted person's certificate of adoption; 1951

(B) The form prescribed under division (A)(1) of section 1952
3107.083 of the Revised Code, if a parent filled out and signed 1953
the form pursuant to section 3107.071, 3107.081, or 5103.151 of 1954
the Revised Code; 1955

(C) A statement of whether the adopted person is an adopted 1956
person as defined in section ~~3107.39~~ 3107.38 or 3107.45 of the 1957
Revised Code. 1958

If the adopted person was born in another state of the United 1959
States, the court shall forward a copy of the adopted person's 1960
certificate of adoption to that state's vital statistics office 1961
within thirty days after an adoption decree becomes final. 1962

Sec. 3107.38. (A) As used in ~~this section~~ sections 3107.38 to 1963
3107.394 of the Revised Code: 1964

(1) "Adopted person" means a person who was adopted but is 1965
not an adopted person as defined in section 3107.45 of the Revised 1966
Code. 1967

(2) "Adoption file" means ~~the~~ a file maintained by the 1968
department of health under ~~section~~ sections 3705.12 to 3705.124 of 1969
the Revised Code. 1970

~~(2)~~(3) "Biological parent" means a parent, by birth, of a 1971
person who is, or is to become, an adopted person. 1972

(4) "Biological parent's name redaction request form" means 1973
the form prescribed under section 3107.391 of the Revised Code. 1974

(5) "Biological sibling" means a sibling, by birth, of a 1975
person who is, or is to become, an adopted person. 1976

(6) "Contact preference form" means the form prescribed under 1977
section 3107.39 of the Revised Code. 1978

(7) "File of releases" means the filing system for releases 1979
that former section 3107.40 of the Revised Code, as repealed by 1980

Sub. S.B. 23 of the 130th general assembly, required the 1981
department of health to maintain. 1982

(8) "Items of identification" include a motor vehicle 1983
driver's or commercial driver's license, an identification card 1984
issued under sections 4507.50 to 4507.52 of the Revised Code, a 1985
marriage application, a social security card, a credit card, a 1986
military identification card, or an employee identification card. 1987

(9) "Lineal descendant of an adopted person" means a person 1988
who by reason of blood or adoption is a lineal descendant of an 1989
adopted person. 1990

(10) "Offspring" means a child, by birth, of a person. 1991

(11) "Release" means both of the following: 1992

(a) A release filed by a biological parent or biological 1993
sibling pursuant to former section 3107.40 of the Revised Code, as 1994
repealed by Sub. S.B. 23 of the 130th general assembly, that 1995
authorized the release of identifying information to the 1996
biological parent's offspring or the release of specified 1997
information to the biological sibling's adopted sibling pursuant 1998
to former section 3107.41 of the Revised Code, as repealed by Sub. 1999
S.B. 23 of the 130th general assembly; 2000

(b) A withdrawal of release filed by a biological parent or 2001
biological sibling pursuant to former section 3107.40 of the 2002
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 2003
assembly. 2004

(B) ~~An~~ Subject to division (C) of this section, an adopted 2005
person whose birth occurred in this state and whose adoption was 2006
decreed prior to January 1, 1964, or lineal descendant of an 2007
adopted person may ~~do either or both of the following:~~ 2008

(1) ~~Submit~~ submit a written request to the department of 2009
health for the department to provide the adopted person or lineal 2010

descendant of an adopted person with a copy of the contents of the 2011
adopted person's adoption file. The request shall provide the 2012
~~adopted person's~~ requester's address, and notarized signature, and 2013
be accompanied by two items of identification of the ~~adopted~~ 2014
~~person~~ requester. If the ~~adopted person~~ submits such requester is 2015
a lineal descendant of an adopted person, the request shall also 2016
provide notarized documentation evidencing the requester's 2017
relationship to the adopted person. On receipt of a request, and 2018
payment of the fee required by section 3705.241 of the Revised 2019
~~Code is paid, and the department has an adoption file for the~~ 2020
~~adopted person,~~ the department shall mail to the ~~adopted person~~ 2021
requester, at the address provided in the request, a copy of the 2022
contents of the adopted person's adoption file if the department 2023
has an adoption file, including all releases transferred to the 2024
adoption file pursuant to section 3107.381 of the Revised Code, 2025
for the adopted person. If the adoption file includes a biological 2026
parent's name redaction request form from a biological parent, the 2027
department shall redact the biological parent's name from the copy 2028
of the contents of the adoption file that is mailed to the 2029
requester. If the department removes the biological parent's name 2030
redaction request form from the adoption file pursuant to division 2031
(D) of section 3107.391 of the Revised Code after the department 2032
mails the copy of the contents of the adoption file to the 2033
requester, the department shall mail to the requester another copy 2034
of the contents with the biological parent's name included. 2035

~~(2) File a petition pursuant to section 3107.41 of the~~ 2036
~~Revised Code for the release of information regarding the adopted~~ 2037
~~person's name by birth and the identity of the adopted person's~~ 2038
~~biological parent and biological sibling.~~ 2039

(C) An adopted person or lineal descendant of an adopted 2040
person may not submit a request under this section until the 2041
adopted person or lineal descendant is at least eighteen years of 2042

age. 2043

Sec. 3107.381. If the file of releases contains one or more 2044
releases that pertain to an adopted person and the department of 2045
health has an adoption file for the adopted person, the department 2046
shall transfer all of the releases pertaining to the adopted 2047
person, including releases for which withdrawals of releases were 2048
filed, to the adopted person's adoption file. 2049

An adopted person or lineal descendant of an adopted person 2050
who obtains the contents of the adopted person's adoption file 2051
pursuant to section 3107.38 of the Revised Code may use the 2052
releases, along with any contact preference forms placed in the 2053
adoption file pursuant to section 3107.39 of the Revised Code, in 2054
determining whether and how to contact a biological parent or 2055
biological sibling. Releases are advisory only and therefore 2056
unenforceable. 2057

Sec. 3107.39. (A) The department of job and family services 2058
shall prescribe a contact preference form for biological parents. 2059
The form shall include all of the following: 2060

(1) A component in which a biological parent is to indicate 2061
one of the following regarding a person who receives, under 2062
section 3107.38 of the Revised Code, a copy of the contents of the 2063
adoption file of the parent's offspring: 2064

(a) That the biological parent welcomes the person to contact 2065
the parent directly; 2066

(b) That the biological parent prefers that the person 2067
contact the parent through an intermediary who the parent 2068
specifies on the form; 2069

(c) That the biological parent prefers that the person not 2070
contact the parent directly or through an intermediary. 2071

<u>(2) Provisions necessary for the department of health to be</u>	2072
<u>able to identify the adoption file of the adopted person to whom</u>	2073
<u>the form pertains;</u>	2074
<u>(3) The following notices:</u>	2075
<u>(a) If a social and medical history for the biological parent</u>	2076
<u>was not previously prepared or such a history was prepared but</u>	2077
<u>should be corrected or expanded, that the biological parent is</u>	2078
<u>encouraged to do the following as appropriate:</u>	2079
<u>(i) Complete a social and medical history form in accordance</u>	2080
<u>with section 3107.091 or 3107.393 of the Revised Code;</u>	2081
<u>(ii) Correct or expand the biological parent's social and</u>	2082
<u>medical history in accordance with division (D) of section 3107.09</u>	2083
<u>of the Revised Code.</u>	2084
<u>(b) That a biological parent's preference regarding contact</u>	2085
<u>as indicated on a completed contact preference form is advisory</u>	2086
<u>only and therefore unenforceable;</u>	2087
<u>(c) That the biological parent may change the parent's</u>	2088
<u>indicated preference regarding contact by filing a new contact</u>	2089
<u>preference form with the department of health.</u>	2090
<u>(4) A space in which the biological parent indicates whether</u>	2091
<u>one or more of the following apply:</u>	2092
<u>(a) The biological parent knows that a social and medical</u>	2093
<u>history was prepared for the biological parent pursuant to section</u>	2094
<u>3107.09 of the Revised Code;</u>	2095
<u>(b) The biological parent completed a social and medical</u>	2096
<u>history form in accordance with section 3107.091 or 3107.393 of</u>	2097
<u>the Revised Code;</u>	2098
<u>(c) The biological parent corrected or expanded the</u>	2099
<u>biological parent's social and medical history in accordance with</u>	2100
<u>division (D) of section 3107.09 of the Revised Code.</u>	2101

<u>(5) A notice of both of the following:</u>	2102
<u>(a) That an adopted person may do either or both of the following:</u>	2103
<u>(i) Inspect, pursuant to division (D) of section 3107.17 of the Revised Code, a social and medical history form of a biological parent of the adopted person maintained by the court that entered the interlocutory order or final decree of adoption regarding the adopted person;</u>	2104
<u>(ii) Submit to that court, pursuant to division (E) of section 3107.17 of the Revised Code, a request for notification of a correction or expansion of a social and medical history of a biological parent of the adopted person.</u>	2105
<u>(b) That an adopted person who does not know which court entered the interlocutory order or final decree of adoption regarding the adopted person may seek assistance from the department of health in accordance with section 3107.171 of the Revised Code.</u>	2106
<u>(B) The department of job and family services shall make the contact preference form prescribed under this section available to the department of health.</u>	2107
<u>(C) The department of health shall make a contact preference form available to a biological parent on request. The department of health may accept a completed contact preference form from a biological parent only if the parent provides it two items of identification of the parent. If the department of health determines that it may accept a completed contact preference form, it shall accept the form. As soon as the department identifies the adoption file of the adopted person to whom the form pertains, it shall place the form in that file. If there is a previously completed contact preference form from the biological parent in the adopted person's adoption file, the department of health shall</u>	2108
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replace the parent's older form with the parent's new form. 2133

(D) Subject to division (C) of this section, a biological parent may file a completed contact preference form with the department of health to change the parent's indicated preference regarding contact as many times as the parent wishes. 2134
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Sec. 3107.391. (A) The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following: 2138
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(1) Information about the procedures and requirements for a biological parent to do either of the following: 2141
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(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code; 2143
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(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code. 2147
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2150

(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains; 2151
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(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains. 2154
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(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health. 2157
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(C)(1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on 2160
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request. The department may accept a completed biological parent's 2163
name redaction request form only if all of the following apply: 2164

(a) The form is submitted to the department not later than 2165
one year after the effective date of this section. 2166

(b) The form has been notarized. 2167

(c) The biological parent provides the department two items 2168
of identification of the biological parent. 2169

(d) If a social and medical history for the biological parent 2170
was not previously prepared or such a history was prepared but 2171
should be corrected or expanded, the biological parent does the 2172
following as appropriate: 2173

(i) Completes a social and medical history form in accordance 2174
with section 3107.091 or 3107.393 of the Revised Code; 2175

(ii) Corrects or expands the biological parent's social and 2176
medical history in accordance with division (D) of section 3107.09 2177
of the Revised Code. 2178

(e) The department is satisfied that the form has been 2179
substantially completed. 2180

(2) If the department determines that it may accept the 2181
biological parent's name redaction request form, it shall accept 2182
the form. As soon as the department identifies the adoption file 2183
of the adopted person to whom the form pertains, it shall place 2184
the form in that file. 2185

(D)(1) A biological parent who has a biological parent's name 2186
redaction request form accepted under division (C) of this section 2187
may request at any time that the department remove the form from 2188
the adoption file of the adopted person to whom the form pertains. 2189
The department shall remove the form from the adoption file if the 2190
biological parent provides the department all of the following: 2191

(a) Two items of identification of the biological parent; 2192

(b) Information the department needs to be able to identify the adoption file of the adopted person to whom the form pertains; 2193
2194

(c) A notarized attestation that the biological parent is the biological parent of the adopted person to whom the form pertains. 2195
2196

(2) When the department removes a biological parent's name redaction request form from an adoption file under division (D)(1) of this section, the department shall destroy the form. 2197
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2199

Sec. 3107.392. The department of health shall include on its web site information about biological parent's name redaction request forms. All of the following information shall be provided: 2200
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(A) The purpose of the form; 2203

(B) The procedures to be followed and requirements to be met for the department to accept the form; 2204
2205

(C) The date when biological parents may begin to file the form with the department; 2206
2207

(D) The date when the form may no longer be filed with the department; 2208
2209

(E) The procedures to be followed and requirements to be met for having the form removed from an adopted person's adoption file; 2210
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(F) Any other information the department considers necessary. 2213

Sec. 3107.393. The department of health shall attach a social and medical history form prescribed under section 3107.09 of the Revised Code to each contact preference form and biological parent's name redaction request form it makes available to a biological parent pursuant to section 3107.39 or 3107.391 of the Revised Code. A biological parent for whom such a form was not completed in accordance with section 3107.09 of the Revised Code may complete the form. In completing the form, the biological 2214
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parent may include information described in division (C) of 2222
section 3107.09 of the Revised Code. The biological parent shall 2223
return the form to the department after completing it to the 2224
extent that the biological parent chooses to provide information. 2225

Access to a social and medical history form completed under 2226
this section shall be granted in accordance with division (D) of 2227
section 3107.17 of the Revised Code. 2228

A biological parent who completes a social and medical 2229
history form under this section may correct or expand information 2230
included on the form in accordance with division (D) of section 2231
3107.09 of the Revised Code. 2232

This section does not preclude a biological parent from 2233
completing a social and medical history in accordance with section 2234
3107.091 of the Revised Code instead of this section. 2235

Sec. 3107.394. (A) The department of health shall establish a 2236
system by which an adopted person or lineal descendant of an 2237
adopted person may request that the department mail to the adopted 2238
person's biological parent a question that the adopted person or 2239
lineal descendant has about the biological parent's medical 2240
history if both of the following apply: 2241

(1) The adopted person or lineal descendant received a copy 2242
of the contents of the adopted person's adoption file under 2243
section 3107.38 of the Revised Code with the biological parent's 2244
name redacted. 2245

(2) The adopted person's adoption file continues to contain a 2246
biological parent's name redaction request form for the biological 2247
parent at the time the adopted person or lineal descendant makes 2248
the request to the department. 2249

(B) The department shall mail to a biological parent a 2250
question it receives from an adopted person or lineal descendant 2251

of an adopted person under division (A) of this section if all of 2252
the following apply: 2253

(1) The adopted person or lineal descendant provides the 2254
department information needed for the department to find the 2255
adopted person's adoption file. 2256

(2) The department has the biological parent's mailing 2257
address. 2258

(3) The adopted person or lineal descendant complies with all 2259
of the department's requirements for accepting the question. 2260

(C) A biological parent who receives a question under 2261
division (B) of this section may provide an answer to the 2262
department. If the department receives the biological parent's 2263
answer, it shall forward the answer to the adopted person or 2264
lineal descendant who asked the question. 2265

Sec. 3107.45. As used in sections 3107.45 to 3107.53 of the 2266
Revised Code: 2267

(A) "Adopted person" means a person who, as a minor, was 2268
adopted ~~but is not an "adopted person" as defined in section~~ 2269
~~3107.39 of the Revised Code and who, on or after September 18,~~ 2270
~~1996, became available or potentially available for adoption. For~~ 2271
~~the purpose of this division, a person was available or~~ 2272
~~potentially available for adoption on or after September 18, 1996,~~ 2273
~~if, on or after that date, either of the following occurred:~~ 2274

(1) At least one of the person's birth parents executed 2275
consent to the person's adoption. 2276

(2) A probate court entered a finding that the consent of at 2277
least one of the person's birth parents to the person's adoption 2278
was not needed as determined pursuant to section 3107.07 of the 2279
Revised Code. 2280

(B) "Adoption file" means the file maintained by the 2281

department of health under section <u>sections</u> 3705.12 to 3705.124 of	2282
the Revised Code.	2283
(C) "Adoptive parent" means a person who adopted an adopted	2284
person.	2285
(D) "Authorization of release form" means the form prescribed	2286
under division (A)(2) of section 3107.50 of the Revised Code.	2287
(E) "Birth parent" means the biological parent of an adopted	2288
person.	2289
(F) "Birth sibling" means a biological sibling of an adopted	2290
person.	2291
(G) "Denial of release form" means either of the following:	2292
(1) The component of the form prescribed under division	2293
(A)(1)(b) of section 3107.083 if the birth parent checked the "no"	2294
space provided on that component.	2295
(2) The form prescribed under division (A)(1) of section	2296
3107.50 of the Revised Code.	2297
(H) "Effective denial of release form" means a denial of	2298
release form that has not been rescinded by an authorization of	2299
release form pursuant to division (B) of section 3107.46 of the	2300
Revised Code.	2301
(I) "Final decree of adoption" includes an interlocutory	2302
order of adoption that has become final.	2303
(J) "Identifying information" has the same meaning as in	2304
section 3107.01 of the Revised Code.	2305
(K) "Items of identification" include a motor vehicle	2306
driver's or commercial driver's license, an identification card	2307
issued under sections 4507.50 to 4507.52 of the Revised Code, a	2308
marriage application, a social security card, a credit card, a	2309
military identification card, or an employee identification card.	2310

Sec. 3107.66. (A) As used in this section:	2311
(1) "Adopted person" includes both an "adopted person" as defined in section 3107.39 <u>3107.38</u> of the Revised Code and an "adopted person" as defined in section 3107.45 of the Revised Code.	2312 2313 2314 2315
(2) "Adoptive parent" means a person who adopted an adopted person.	2316 2317
(3) "Birth parent" means the biological parent of an adopted person.	2318 2319
(4) "Birth sibling" means a biological sibling of an adopted person.	2320 2321
(B) An adopted person age eighteen or older, an adoptive parent of an adopted person under age eighteen, or an adoptive family member of a deceased adopted person may submit a written request to the agency or attorney who arranged the adopted person's adoption, or the probate court that finalized the adopted person's adoption, for the agency, attorney, or court to provide the adopted person, adoptive parent, or adoptive family member information about the adopted person's birth parent or birth sibling contained in the agency's, attorney's, or court's adoption records that is nonidentifying information. Except as provided in division (C) of this section, the agency, attorney, or court shall provide the adopted person, adoptive parent, or adoptive family member the information sought within a reasonable amount of time. The agency, attorney, or court may charge a reasonable fee for providing the information.	2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336
A birth parent of an adopted person eighteen years of age or older, a birth sibling age eighteen or older, or a birth family member of a deceased birth parent may submit a written request to the agency or attorney who arranged the adopted person's adoption,	2337 2338 2339 2340

or the probate court that finalized the adoption, for the agency, 2341
attorney, or court to provide the birth parent, birth sibling, or 2342
birth family member information about the adopted person or 2343
adoptive parent contained in the agency's, attorney's, or court's 2344
adoption records that is nonidentifying information. Except as 2345
provided in division (C) of this section, the agency, attorney, or 2346
court shall provide the birth parent, birth sibling, or birth 2347
family member the information sought within a reasonable amount of 2348
time. The agency, attorney, or court may charge a reasonable fee 2349
for providing the information. 2350

(C) An agency or attorney that has permanently ceased to 2351
arrange adoptions is not subject to division (B) of this section. 2352
If the adoption records of such an agency or attorney are held by 2353
a probate court, person, or other governmental entity pursuant to 2354
section 3107.67 of the Revised Code, the adopted person, adoptive 2355
parent, adoptive family member, birth parent, birth sibling, or 2356
birth family member may submit the written request that otherwise 2357
would be submitted to the agency or attorney under division (B) of 2358
this section to the court, person, or other governmental entity 2359
that holds the records. On receipt of the request, the court, 2360
person, or other governmental entity shall provide the information 2361
that the agency or attorney would have been required to provide 2362
within a reasonable amount of time. The court, person, or other 2363
governmental entity may charge a reasonable fee for providing the 2364
information. 2365

(D) Prior to providing nonidentifying information pursuant to 2366
division (B) or (C) of this section, the person or governmental 2367
entity providing the information shall review the record to ensure 2368
that all identifying information about any person contained in the 2369
record is deleted. 2370

(E) An agency, attorney, person, or other governmental entity 2371
may classify any information described in division (B)(2) of 2372

section 3107.60 of the Revised Code as identifying information and 2373
deny the request made under division (B) or (C) of this section if 2374
the agency, attorney, court, person, or other governmental entity 2375
determines that the information could lead to the identification 2376
of the adoptive parent. This determination shall be done on a 2377
case-by-case basis. 2378

Sec. 3705.07. (A) The local registrar of vital statistics 2379
shall number consecutively the birth, fetal death, and death 2380
certificates in three separate series, beginning with "number one" 2381
for the first birth, the first fetal death, and the first death 2382
registered in each calendar year. Such local registrar shall sign 2383
the local registrar's name in attest to the date of filing in the 2384
local office. The local registrar shall make a complete and 2385
accurate copy of each birth, fetal death, and death certificate 2386
registered. Each copy shall be filed and permanently preserved as 2387
the local record of such birth, fetal death, or death except as 2388
provided in sections 3705.09 ~~and~~, 3705.12, and 3705.124 of the 2389
Revised Code. The local record may be a typewritten, photographic, 2390
electronic, or other reproduction. On or before the tenth day of 2391
each month, the local registrar shall transmit to the state office 2392
of vital statistics all original birth, fetal death, death, and 2393
military service certificates received, and all social security 2394
numbers obtained under section 3705.09, 3705.10, or 3705.16 of the 2395
Revised Code, during the preceding month. The local registrar 2396
shall immediately notify the health commissioner with jurisdiction 2397
in the registration district of the receipt of a death certificate 2398
attesting that death resulted from a communicable disease. 2399

The office of vital statistics shall carefully examine the 2400
records and certificates received from local registrars of vital 2401
statistics and shall secure any further information that may be 2402
necessary to make each record and certificate complete and 2403
satisfactory. It shall arrange and preserve the records and 2404

certificates, or reproductions of them produced pursuant to 2405
section 3705.03 of the Revised Code, in a systematic manner and 2406
shall maintain a permanent index of all births, fetal deaths, and 2407
deaths registered, which shall show the name of the child or 2408
deceased person, place and date of birth or death, number of the 2409
record or certificate, and the volume in which it is contained. 2410

(B)(1) The office of vital statistics shall make available to 2411
the division of child support in the department of job and family 2412
services all social security numbers that were furnished to a 2413
local registrar of vital statistics under division (I) of section 2414
3705.09 or under section 3705.10 or 3705.16 of the Revised Code 2415
and that were transmitted to the office under division (A) of this 2416
section. 2417

(2) The office of vital statistics also shall make available 2418
to the division of child support in the department of job and 2419
family services any other information recorded in the birth record 2420
that may enable the division to use the social security numbers 2421
provided under division (B)(1) of this section to obtain the 2422
location of the father of the child whose birth certificate was 2423
accompanied by the social security number or to otherwise enforce 2424
a child support order pertaining to that child or any other child. 2425

Sec. 3705.08. (A) The director of health, by rule, shall 2426
prescribe the form of records and certificates required by this 2427
chapter. Records and certificates shall include the items and 2428
information prescribed by the director, including the items 2429
recommended by the national center for health statistics of the 2430
United States department of health and human services, subject to 2431
approval of and modification by the director. 2432

(B) All birth certificates shall include a statement setting 2433
forth the names of the child's parents and a line for the mother's 2434
and the father's signature. 2435

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

- (1) Not pregnant within the past year;
- (2) Pregnant at the time of death;
- (3) Not pregnant, but had been pregnant within forty-two days prior to the time of death;
- (4) Not pregnant, but had been pregnant within forty-three days to one year prior to the time of death;
- (5) Unknown whether pregnant within the past year.

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

- (2) All birth, fetal death, and death records and certificates shall be printed legibly or typewritten in unfading black ink and signed. Except as provided in division (G) of section 3705.09, ~~division (A) of section 3705.12, 3705.121, 3705.122, or 3705.124,~~ division (D) of section 3705.15, or section 3705.16 of the Revised Code, a signature required on a birth, fetal death, or death certificate shall be written by the person required to sign and a facsimile signature shall not be used.
- (3) All vital records shall contain the date received for registration.
- (4) Information required in certificates, records, or reports authorized by this chapter may be filed and registered by

photographic, electronic, or other means as prescribed by the 2466
director. 2467

Sec. 3705.12. ~~(A)(1) the probate judge's~~ Upon receipt of the 2468
items sent by a probate court pursuant to section 3107.19 of the 2469
Revised Code concerning the adoption of a child born in this state 2470
whose adoption was decreed on or after January 1, 1964, the 2471
department of health shall issue, unless otherwise requested by 2472
the adoptive parents, a new birth record using the child's adopted 2473
name and the names of and data concerning the adoptive parents. 2474
The new birth record shall have the same overall appearance as the 2475
record that would have been issued under section 3705.09 of the 2476
Revised Code if the adopted child had been born to the adoptive 2477
parents. Where handwriting is required to effect that appearance, 2478
the department shall supply the handwriting. 2479

~~(2)~~ Upon the issuance of the new birth record, the original 2480
birth record shall cease to be a public record. The index 2481
references to the original birth record, including references that 2482
were not a public record under this section as it existed prior to 2483
the effective date of this amendment, are a public record under 2484
section 149.43 of the Revised Code. The department shall place the 2485
original birth record and the items sent by the probate court 2486
pursuant to section 3107.19 of the Revised Code in an adoption 2487
file and seal the file. The contents of the adoption file are not 2488
a public record and ~~shall not be open to inspection, be copied, or~~ 2489
~~be available for copying, except as follows:~~ 2490

~~(a) The department shall copy and provide an agency with a~~ 2491
~~copy of the original birth record upon the presentation by the~~ 2492
~~agency, by mail or in another reasonable manner, of a certified~~ 2493
~~copy of an order issued by a probate judge under section 3107.41~~ 2494
~~of the Revised Code only in accordance with section 3705.126 of~~ 2495
~~the Revised Code. For the purposes of sections 149.43 and 1347.08~~ 2496

of the Revised Code, the contents of the adoption file include any 2497
contact preference form, biological parent's name redaction 2498
request form, or social and medical history accepted and 2499
maintained by the department. 2500

~~(b) The department shall inspect the file to determine the~~ 2501
~~court involved for the purpose of division (D) of section 3107.09~~ 2502
~~or section 3107.091 or provide the name of that court to an agency~~ 2503
~~under the circumstances described in division (B)(2)(b) of section~~ 2504
~~3107.41 of the Revised Code.~~ 2505

~~(c) The department shall make the file's contents available~~ 2506
~~to an adopted person or adoptive parent in accordance with section~~ 2507
~~3107.47 of the Revised Code.~~ 2508

~~(d) The department shall inspect the file to assist a birth~~ 2509
~~parent or birth sibling in finding the adopted person's name by~~ 2510
~~adoption in accordance with section 3107.49 of the Revised Code.~~ 2511

~~(e) The department shall open the file to file a denial of~~ 2512
~~release form under division (A) of section 3107.46 of the Revised~~ 2513
~~Code or an authorization of release form under division (B) of~~ 2514
~~that section.~~ 2515

~~(f) The department shall open the file to file a request from~~ 2516
~~an adopted person under division (A) of section 3107.48 of the~~ 2517
~~Revised Code or to remove and destroy the request pursuant to~~ 2518
~~division (B) of that section.~~ 2519

~~(g) The court that decreed the adoption may order that the~~ 2520
~~contents be made open for inspection or available for copying.~~ 2521

~~(3) The department of health shall promptly forward a copy of~~ 2522
~~the new birth record to the local registrar of vital statistics of~~ 2523
~~the district in which the birth occurred. The local registrar~~ 2524
~~shall file a copy of the new birth record along with and in the~~ 2525
~~same manner as the other copies of birth records in the~~ 2526
~~registrar's possession of the local registrar. All copies of the~~ 2527

original birth record and all other papers, documents, and index 2528
references pertaining to the original birth record in the 2529
possession of the local registrar or the probate court shall be 2530
destroyed, except that the probate court shall retain permanently 2531
in the file of the adoption proceedings information that is 2532
necessary to enable the court to identify both the child's 2533
original birth record and the child's new birth record. 2534

~~(4) On receipt of the items sent by a probate court pursuant 2535
to section 3107.19 of the Revised Code concerning the adoption of 2536
a person born in a foreign country, the department of health shall 2537
issue a "foreign birth record" unless the adoptive parents or 2538
adopted person over eighteen years of age requests that such 2539
record not be issued. 2540~~

~~On receipt of an order issued under section 3107.18 of the 2541
Revised Code, the department of health shall issue a foreign birth 2542
record. 2543~~

~~A foreign birth record shall be the same in all respects as a 2544
birth record issued under division (A)(1) of this section, except 2545
that it shall show the actual country of birth. After registration 2546
of the birth record in the new name of the adopted person, the 2547
department shall place the items sent by the probate court in an 2548
adoption file and seal the file. The contents of the file shall 2549
not be open to inspection, be copied, or be available for copying, 2550
except as follows: 2551~~

~~(a) The department shall copy and provide an agency with a 2552
copy of the original birth record if available, upon presentation 2553
by the agency by mail or in another reasonable manner of a 2554
certified copy of an order issued by a probate judge under section 2555
3107.41 of the Revised Code. 2556~~

~~(b) The department shall inspect the envelope to determine 2557
the court involved in an adoption for the purpose of division (D) 2558~~

~~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 make the file's contents available to an adopted person or adoptive parent in accordance with section 3107.47 of the Revised Code.~~

~~(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.~~

~~(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 of the envelope be made open for inspection or available for copying.~~

~~(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.~~

~~(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 2590
the child's case just as if the adoption had taken place in this 2591
state. The department shall place the original birth record and 2592
all papers and documents in its possession that pertain to the 2593
original birth record or to the adoption of the child in an 2594
adoption file and seal the file. Index references to the original 2595
birth record, including references that were not a public record 2596
under this section as it existed prior to the effective date of 2597
this amendment, are a public record under section 149.43 of the 2598
Revised Code. The contents of the file shall be open to inspection 2599
and be copied or available for copying, and a copy of an original 2600
birth record shall be provided, only as authorized by division (A) 2601
of this section for adoptions decreed in this state. 2602~~

~~(C)(1) No original birth record of any person whose birth 2603
occurred in this state and whose adoption was decreed prior to 2604
January 1, 1964, no birth record in the adopted name of any person 2605
whose birth occurred in this state and whose adoption was decreed 2606
prior to January 1, 1964, and no papers or documents that pertain 2607
to either such type of birth record or to the adoption of any such 2608
person shall be sealed on or after March 19, 1985. 2609~~

~~(2) Original birth records of persons whose births occurred 2610
in this state and whose adoptions were decreed prior to January 1, 2611
1964, and papers and documents that pertain to original birth 2612
records or to the adoptions of such persons, that are in the 2613
possession of the department of health, and that were sealed 2614
pursuant to division (C) of this section as it existed prior to 2615
March 19, 1985, or that were mistakenly or otherwise sealed, shall 2616
be open to inspection by and either shall be copied or made 2617
available for copying by, the adopting parents, the adopted 2618
person, or any lineal descendant of the adopted person, upon 2619
request. In all other cases, such an original birth record and 2620
such papers shall not be open to inspection, be copied, or be 2621~~

~~available for copying, except as follows:~~ 2622

~~(a) The department shall copy and provide an agency with a 2623
copy of the original birth record upon the presentation by the 2624
agency, by mail or in another reasonable manner, of a certified 2625
copy of an order issued by a probate judge under section 3107.41 2626
of the Revised Code. 2627~~

~~(b) The department shall inspect the file to determine the 2628
court involved in an adoption for the purpose of division (D) of 2629
section 3107.09 or section 3107.091 or provide the name of that 2630
court to an agency under the circumstances described in division 2631
(B)(2)(b) of section 3107.41 of the Revised Code. 2632~~

~~(c) The department shall provide an adopted person a copy of 2633
the contents of the adoption file pursuant to division (B)(1) of 2634
section 3107.38 of the Revised Code. 2635~~

~~(d) The court that decreed the adoption may order that the 2636
contents be made open for inspection or available for copying. 2637~~

~~(3) Birth records in the adopted names of persons whose 2638
births occurred in this state and whose adoptions were decreed 2639
prior to January 1, 1964, and papers and documents that pertain to 2640
such birth records or to the adoptions of such persons, that are 2641
in the possession of the department, and that were sealed pursuant 2642
to division (D) of this section as it existed prior to March 19, 2643
1985, shall be open to inspection by, and either shall be copied 2644
for or made available for copying by, the adopting parents, the 2645
adopted person, or any lineal descendant of the adopted person, 2646
upon request. In all other cases, such birth records and such 2647
papers and documents shall not be open to inspection, be copied, 2648
or be available for copying, except that the court that decreed 2649
the adoption may order that the contents be made open for 2650
inspection or available for copying. 2651~~

~~(D) An adopted person whose birth occurred in this state, 2652~~

~~whose adoption was decreed prior to January 1, 1964, who did not 2653
have a new or reissued birth record in the adopted person's 2654
adopted name prepared pursuant to division (C) or (D) of this 2655
section as those divisions existed prior to March 19, 1985, and 2656
whose adoption is in full force and effect, may apply to the 2657
department of health at any time for the preparation of a new 2658
birth record in the person's adopted name. Upon receipt of such an 2659
application, the department shall prepare a new birth record in 2660
the person's name, in accordance with, and in the form described 2661
in, division (A)(1) of this section. Upon the preparation of a 2662
birth record in that form, the original birth record of the 2663
applicant or the birth record issued in the adopted name of the 2664
applicant prior to January 1, 1964, that is being replaced, 2665
whichever is applicable, shall cease to be a public record; 2666
however, the department shall maintain that birth record and 2667
papers and documents that pertain to it or to the adoption of the 2668
applicant and upon request, the adoptive parents of the applicant, 2669
the applicant, or any lineal descendant of the applicant may 2670
inspect that birth record and those papers and records at all 2671
reasonable times and may copy it or any of them or obtain a copy 2672
of it or any of them at cost from the department. A birth record 2673
in an applicant's adopted name prepared by the department under 2674
this division, and any certified or exact copy of it that is 2675
properly authenticated by a duly authorized person, is prima facie 2676
evidence in all courts and places of the facts stated in it. 2677~~

~~The department promptly shall forward a copy of a birth 2678
record in an applicant's adopted name that is prepared under this 2679
division to the local registrar of vital statistics of the 2680
district in which the applicant's birth occurred. The local 2681
registrar shall file the copy along with, and in the same manner 2682
as, the other copies of birth records in the registrar's 2683
possession. All copies of the applicant's original birth record or 2684
the birth record issued in the applicant's adopted name prior to 2685~~

January 1, 1964, that is being replaced, and all other papers, 2686
documents, and index references pertaining to it that are in the 2687
possession of the local registrar or a probate court shall be 2688
destroyed, except that the probate court shall retain permanently 2689
in the file of adoption proceedings information that is necessary 2690
to enable the court to identify both the applicant's original 2691
birth record or birth record issued in the applicant's adopted 2692
name prior to January 1, 1964, that is being replaced, and the new 2693
birth record in the applicant's adopted name that is prepared 2694
pursuant to this division in accordance with, and in the form 2695
described in, division (A)(1) of this section. 2696

Sec. 3705.121. When the adoption of a child whose birth 2697
occurred in this state is decreed by a court in another state and 2698
when the department of health has received, from the court that 2699
decreed the adoption, an official communication containing 2700
information similar to that contained in the certificate of 2701
adoption for adoptions decreed in this state, section 3705.12 of 2702
the Revised Code shall apply to the child's case just as if the 2703
adoption had taken place in this state. The department shall place 2704
the original birth record and all papers and documents in its 2705
possession that pertain to the original birth record or to the 2706
adoption of the child in an adoption file and seal the file. The 2707
contents of the adoption file are not a public record and shall be 2708
made available only in accordance with section 3705.126 of the 2709
Revised Code. Index references to the original birth record, 2710
including references that were not a public record under section 2711
3705.12 of the Revised Code as that section existed before 2712
September 18, 1996, are a public record under section 149.43 of 2713
the Revised Code. 2714

Sec. 3705.122. (A) The department of health shall issue a 2715
foreign birth record as follows: 2716

(1) 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, unless the adoptive parents or adopted person over eighteen years of age requests that such record not be issued; 2717
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(2) On receipt of an order issued under section 3107.18 of the Revised Code. 2722
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(B) A foreign birth record shall be the same in all respects as a birth record issued under section 3705.12 of the Revised Code, 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 adoption file are not a public record and shall be made available only in accordance with section 3705.126 of the Revised Code. 2724
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Sec. 3705.123. No original birth record of any person whose birth occurred in this state and whose adoption was decreed before January 1, 1964, no birth record in the adopted name of any person whose birth occurred in this state and whose adoption was decreed before 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. The department of health shall maintain in an adoption file all such records, papers, and documents that are in the possession of the department and were sealed pursuant to division (C) or (D) of section 3705.12 of the Revised Code as it existed before March 19, 1985, or that were mistakenly or otherwise sealed. The contents of the adoption file are not a public record and shall be made available only in accordance with section 3705.126 of the Revised Code. 2732
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Sec. 3705.124. An adopted person whose birth occurred in this 2746

state, whose adoption was decreed before January 1, 1964, who did 2747
not have a new or reissued birth record in the person's adopted 2748
name prepared pursuant to division (C) or (D) of section 3705.12 2749
of the Revised Code as those divisions existed before March 19, 2750
1985, and whose adoption is in full force and effect, may apply to 2751
the department of health at any time for the preparation of a new 2752
birth record in the person's adopted name. On receipt of such an 2753
application, the department shall prepare a new birth record in 2754
the person's name, in accordance with, and in the form described 2755
in, section 3705.12 of the Revised Code. On preparation of the new 2756
birth record, the original birth record of the applicant or the 2757
birth record issued in the adopted name of the applicant before 2758
January 1, 1964, that is being replaced, whichever is applicable, 2759
shall cease to be a public record. The department shall maintain 2760
the birth record that ceased to be a public record and papers and 2761
documents that pertain to it or to the adoption of the applicant 2762
in an adoption file. The contents of the adoption file are not a 2763
public record and shall be made available only in accordance with 2764
section 3705.126 of the Revised Code. 2765

The department promptly shall forward a copy of a new birth 2767
record in an applicant's adopted name that is prepared under this 2768
section to the local registrar of vital statistics of the district 2769
in which the applicant's birth occurred. The local registrar shall 2770
file the copy along with, and in the same manner as, the other 2771
copies of birth records in the registrar's possession. All copies 2772
of the applicant's original birth record or the birth record 2773
issued in the applicant's adopted name before January 1, 1964, 2774
that is being replaced, and all other papers, documents, and index 2775
references pertaining to it that are in the possession of the 2776
local registrar or a probate court shall be destroyed, except that 2777
the probate court shall retain permanently in the file of adoption 2778

proceedings information that is necessary to enable the court to 2779
identify both the applicant's original birth record or birth 2780
record issued in the applicant's adopted name before January 1, 2781
1964, that is being replaced, and the new birth record in the 2782
applicant's adopted name that is prepared pursuant to this 2783
section. 2784

Sec. 3705.125. A new birth record or foreign birth record, 2785
and any certified or exact copy of the new birth record or foreign 2786
birth record, when properly authenticated by a duly authorized 2787
person, shall be prima facie evidence in all courts and places of 2788
the facts stated in the new birth record or foreign birth record. 2789

Sec. 3705.126. The department of health shall neither open an 2790
adoption file nor make its contents available except as follows: 2791
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(A) The department shall inspect the file to determine the 2793
court involved for the purpose of division (D) of section 3107.09 2794
or section 3107.091 or 3107.171 of the Revised Code. 2795

(B) The department shall make the file's contents available 2796
to an adopted person or lineal descendant of an adopted person in 2797
accordance with section 3107.38 of the Revised Code. 2798

(C) The department shall open the file to transfer releases 2799
to the file in accordance with section 3107.381 of the Revised 2800
Code. 2801

(D) The department shall open the file to file a contact 2802
preference form from a biological parent pursuant to section 2803
3107.39 of the Revised Code and remove any previously filed 2804
contact preference form from the biological parent. 2805

(E) The department shall open the file to file a biological 2806
parent's name redaction request form pursuant to division (C) of 2807
section 3107.391 of the Revised Code or to remove and destroy the 2808

form pursuant to division (D) of that section. 2809

(F) 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. 2810
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(G) 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. 2814
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(H) 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. 2817
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(I) 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. 2821
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(J) The court that decreed the adoption may order that the contents be made open for inspection or available for copying. 2824
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Sec. 3705.23. (A)(1) Except as otherwise provided in this section, the director of health, the state registrar, or a local registrar, on receipt of a signed application and the fee specified in section 3705.24 of the Revised Code, shall issue a certified copy of a vital record, or of a part of a vital record, in the director's or registrar's custody to any applicant, unless the vital record has ceased to be a public record pursuant to section 3705.09, 3705.11, 3705.12, 3705.121, 3705.122, 3705.123, 3705.124, or 3705.15 of the Revised Code. The certified copy shall show the date the vital record was registered by the local registrar. 2826
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(2) A certified copy of a vital record may be made by a mechanical, electronic, or other reproduction process. It shall be 2837
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certified as a true copy by the director, state registrar, or 2839
local registrar who has custody of the record and shall include 2840
the date of issuance, the name of the issuing officer, the 2841
signature of the officer or an authorized facsimile of the 2842
signature, and the seal of the issuing office. 2843

(3) A certified copy of a vital record or of any part of a 2844
vital record, issued in accordance with this section, shall be 2845
considered for all purposes the same as the original and shall be 2846
prima-facie evidence of the facts stated in it in all courts and 2847
places. 2848

(4)(a) Information contained in the "information for medical 2849
and health use only" section of a birth record shall not be 2850
included as part of a certified copy of the birth record unless 2851
the information specifically is requested by the individual to 2852
whose birth the record attests, either of the individual's parents 2853
or the individual's guardian, a lineal descendant, or an official 2854
of the federal or state government or of a political subdivision 2855
of the state charged by law with detecting or prosecuting crime. 2856

(b) Except as provided in division (A)(4)(a) of this section, 2857
neither the office of vital statistics nor a local registrar shall 2858
disclose information contained in the "information for medical and 2859
health use only" section of a birth record unless a court, for 2860
good cause shown, orders disclosure of the information or the 2861
state registrar specifically authorizes release of the information 2862
for statistical or research purposes under conditions the state 2863
registrar, subject to the approval of the director of health, 2864
shall establish by rule. 2865

(B)(1) Unless the applicant specifically requests a certified 2866
copy, the director, the state registrar, or a local registrar, on 2867
receipt of a signed application for a birth record and the fee 2868
specified in section 3705.24 of the Revised Code, may issue a 2869
certification of birth, and the certification of birth shall 2870

contain at least the name, sex, date of birth, registration date, 2871
and place of birth of the person to whose birth the record attests 2872
and shall attest that the person's birth has been registered. A 2873
certification of birth shall be prima-facie evidence of the facts 2874
stated in it in all courts and places. 2875

(2) The director or the state registrar, on the receipt of a 2876
signed application for an heirloom certification of birth and the 2877
fee specified in section 3705.24 of the Revised Code, may issue an 2878
heirloom certification of birth. The director shall prescribe by 2879
rule guidelines for the form of an heirloom certification of 2880
birth, and the guidelines shall require the heirloom certification 2881
of birth to contain at least the name, sex, date of birth, 2882
registration date, and place of birth of the person to whose birth 2883
the record attests and to attest that the person's birth has been 2884
registered. An heirloom certification of birth shall be 2885
prima-facie evidence of the facts stated in it in all courts and 2886
places. 2887

(3) The director or the state registrar, on the receipt of an 2888
application signed by either parent, shall issue a certificate 2889
recognizing the delivery of a stillborn infant. The director shall 2890
prescribe guidelines by rule for the form of the certificate. The 2891
guidelines shall require that the certificate contain at least the 2892
name, sex, date of delivery, and place of delivery. The director 2893
or the state registrar shall charge no fee for the certificate. A 2894
certificate recognizing the delivery of a stillborn infant is not 2895
proof of a live birth for purposes of federal, state, and local 2896
taxes. 2897

(C) On evidence that a birth certificate was registered 2898
through misrepresentation or fraud, the state registrar may 2899
withhold the issuance of a certified copy of the birth record or a 2900
certification of birth until a court makes a determination that no 2901
misrepresentation or fraud occurred. 2902

Sec. 3705.241. Not later than ninety days after ~~the effective~~ 2903
~~date of this section~~ June 30, 1996, the director of health shall 2904
adopt rules in accordance with Chapter 119. of the Revised Code 2905
establishing the fee for providing a copy of the contents of an 2906
adoption file pursuant to sections 3107.38 and 3107.47 of the 2907
Revised Code. 2908

The director shall deposit fees collected under this section 2909
in the adoption records fund, which is hereby created in the state 2910
treasury. The department shall use the money in the fund to 2911
perform its duties under ~~section~~ sections 3107.38 and 3107.39 and 2912
sections 3107.45 to 3107.53 of the Revised Code. 2913

Sec. 3705.29. (A) No person shall do any of the following: 2914

(1) Purposely make any false statement in a certificate, 2915
record, or report required by this chapter or in an application or 2916
amendment of it, or purposely supply false information with the 2917
intent that that information be used in the preparation of any 2918
such report, record, or certificate, or amendment of it; 2919

(2) Without lawful authority and with intent to deceive, 2920
counterfeit, alter, amend, or mutilate any certificate, record, or 2921
report required by this chapter or any certified copy of it; 2922

(3) Purposely obtain, possess, use, sell, furnish, or attempt 2923
to obtain, possess, use, sell, or furnish to another for the 2924
purpose of deception any certificate, record, or report required 2925
by this chapter or any certified copy of it, or any certificate, 2926
record, or report that is counterfeit, altered, or amended or 2927
false in whole or part; 2928

(4) Purposely obtain, possess, use, sell, furnish, or attempt 2929
to obtain, possess, use, sell, or furnish to another for the 2930
purpose of deception any certificate, record, or report required 2931
by this chapter, or any certified copy of it, that relates to the 2932

birth of another person, whether living or dead;	2933
(5) Without lawful authority, possess any certificate,	2934
record, or report required by this chapter or any copy of such a	2935
certificate, record, or report, knowing it to have been stolen or	2936
otherwise unlawfully obtained.	2937
(B) No person employed by the office of vital statistics or a	2938
local registrar shall purposely furnish or possess a birth record	2939
or certified copy of a birth record with intent that it be used	2940
for deception.	2941
(C) No person shall do any of the following:	2942
(1) Purposely refuse to provide information required by this	2943
chapter or rules adopted under it;	2944
(2) Purposely transport out of this state or accept for	2945
interment or other disposition a dead body without a permit	2946
required by this chapter;	2947
(3) Knowingly prepare, issue, sell, or give any record or	2948
certificate that is alleged to be an original vital record or a	2949
certified copy of a vital record if the person knows or has reason	2950
to know that it is not an original vital record or a certified	2951
copy of a vital record;	2952
(4) Refuse to comply with the requirements of this chapter or	2953
violate any of the provisions of this chapter.	2954
(D) No officer or employee of the department of health shall	2955
knowingly reveal or provide any information contained in an	2956
adoption file maintained by the department under section <u>3705.12</u> ,	2957
<u>3705.121</u> , <u>3705.122</u> , <u>3705.123</u> , or <u>3705.124</u> of the Revised Code to	2958
any person, or knowingly reveal or provide the contents of an	2959
adoption file to any person, unless authorized to do so by section	2960
3705.12 <u>3705.126</u> of the Revised Code.	2961
(E) If a death, or a fetal death of at least twenty weeks of	2962

gestation, occurs under any circumstances mentioned in section 2963
313.12 of the Revised Code, the coroner of the county in which the 2964
death or fetal death occurs, or a deputy coroner, medical 2965
examiner, or deputy medical examiner serving in an equivalent 2966
capacity, shall certify the cause of that death unless the death 2967
was reported to the coroner, deputy coroner, medical examiner, or 2968
deputy medical examiner and that person, after a preliminary 2969
examination, declined to assert jurisdiction with respect to the 2970
death or fetal death. 2971

(F) No physician other than the coroner in the county in 2972
which a death, or a fetal death of at least twenty weeks of 2973
gestation, occurs, or a deputy coroner, medical examiner, or 2974
deputy medical examiner serving in an equivalent capacity, may 2975
certify any death or fetal death that occurs under any 2976
circumstances other than natural. 2977

(G) If a death, or a fetal death of at least twenty weeks of 2978
gestation, occurs under any circumstances mentioned in section 2979
313.12 of the Revised Code, no person shall knowingly present a 2980
death or fetal death certificate for the purpose of obtaining 2981
certification of the cause of death to any physician other than 2982
the coroner in the county in which the death or fetal death 2983
occurred, or to a deputy coroner, medical examiner, or deputy 2984
medical examiner serving in an equivalent capacity, unless that 2985
death or fetal death was reported to the coroner, deputy coroner, 2986
medical examiner, or deputy medical examiner and that person, 2987
after a preliminary examination, declined to assert jurisdiction 2988
with respect to the death or fetal death. 2989

(H) No person, with intent to defraud or knowing that the 2990
person is facilitating a fraud, shall do either of the following: 2991

(1) Certify a cause of death in violation of the prohibition 2992
of division (E) or (F) of this section; 2993

(2) Obtain or attempt to obtain a certification of the cause 2994
of a death or fetal death in violation of the prohibition of 2995
division (G) of this section. 2996

Sec. 5103.151. (A) As used in this section and in section 2997
5103.152 of the Revised Code, "identifying information" has the 2998
same meaning as in section 3107.01 of the Revised Code. 2999

(B) Except as provided in division (C) of this section, a 3000
parent of a minor who will be, if adopted, an adopted person as 3001
defined in section 3107.45 of the Revised Code shall do all of the 3002
following as a condition of a juvenile court approving the 3003
parent's agreement with a public children services agency or 3004
private child placing agency under division (B)(1) of section 3005
5103.15 of the Revised Code: 3006

(1) Appear personally before the court; 3007

(2) Sign the component of the form prescribed under division 3008
(A)(1)(a) of section 3107.083 of the Revised Code; 3009

(3) Check either the "yes" or "no" space provided on the 3010
component of the form prescribed under division (A)(1)(b) of 3011
section 3107.083 of the Revised Code and sign that component; 3012

(4) If the parent is the mother, complete and sign the 3013
component of the form prescribed under division (A)(1)(c) of 3014
section 3107.083 of the Revised Code. 3015

At the time the parent signs the components of the form 3016
prescribed under divisions (A)(1)(a), (b), and (c) of section 3017
3107.083 of the Revised Code, the parent may sign, if the parent 3018
chooses to do so, the components of the form prescribed under 3019
divisions (A)(1)(d), (e), and (f) of that section. After the 3020
parent signs the components required to be signed and any 3021
discretionary components the parent chooses to sign, the parent or 3022
agency shall file the form and agreement with the court. The court 3023

or agency shall give the parent a copy of the form and agreement. 3024
The court and agency shall keep a copy of the form and agreement 3025
in the court and agency's records. The agency shall file a copy of 3026
the form and agreement with the probate court with which a 3027
petition to adopt the child who is the subject of the agreement is 3028
filed. 3029

The juvenile court shall question the parent to determine 3030
that the parent understands the adoption process, the 3031
ramifications of entering into a voluntary permanent custody 3032
surrender agreement, each component of the form prescribed under 3033
division (A)(1) of section 3107.083 of the Revised Code, and that 3034
the child and adoptive parent may receive identifying information 3035
about the parent in accordance with section 3107.47 of the Revised 3036
Code unless the parent checks the "no" space provided on the 3037
component of the form prescribed under division (A)(1)(b) of 3038
section 3107.083 of the Revised Code or has a denial of release 3039
form filed with the department of health under section 3107.46 of 3040
the Revised Code. The court also shall question the parent to 3041
determine that the parent enters into the permanent custody 3042
surrender agreement voluntarily and any decisions the parent makes 3043
in filling out the form prescribed under division (A)(1) of 3044
section 3107.083 of the Revised Code are made voluntarily. 3045

(C) A juvenile court may approve an agreement entered into 3046
under division (B)(1) of section 5103.15 of the Revised Code 3047
between a public children services agency or private child placing 3048
agency and the parents of a child who is less than six months of 3049
age and will be, if adopted, an adopted person as defined in 3050
section 3107.45 of the Revised Code without the parents personally 3051
appearing before the court if both parents do all of the 3052
following: 3053

(1) Enter into the agreement with the agency; 3054

(2) Sign the component of the form prescribed under division 3055

(A)(1)(a) of section 3107.083 of the Revised Code; 3056

(3) Check either the "yes" or "no" space provided on the 3057
component of the form prescribed under division (A)(1)(b) of 3058
section 3107.083 of the Revised Code and sign that component. 3059

At the time the parents sign the components of the form 3060
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 3061
of the Revised Code, the mother shall complete and sign the 3062
component of the form prescribed under division (A)(1)(c) of that 3063
section and the agency shall provide the parents the opportunity 3064
to sign, if they choose to do so, the components of the form 3065
prescribed under divisions (A)(1)(d), (e), and (f) of that 3066
section. Not later than two business days after the parents enter 3067
into the agreements and sign the components of the form required 3068
to be signed and any discretionary components the parents choose 3069
to sign, the agency shall file the agreements and forms with the 3070
court. The agency shall give the parents a copy of the agreements 3071
and forms. At the time the agency files the agreements and forms 3072
with the court, the agency also shall file with the court all 3073
other documents the director of job and family services requires 3074
by rules adopted under division (D) of section 3107.083 of the 3075
Revised Code to be filed with the court. The court and agency 3076
shall keep a copy of the agreements, forms, and documents in the 3077
court and attorney's records. The agency shall file a copy of the 3078
agreements, forms, and documents with the probate court with which 3079
a petition to adopt the child who is the subject of the agreement 3080
is filed. 3081

(D) Except as provided in division (E) of this section, a 3082
parent of a minor, who will be, if adopted, an adopted person as 3083
defined in section ~~3107.39~~ 3107.38 of the Revised Code, shall do 3084
all of the following as a condition of a juvenile court approving 3085
the parent's agreement with a public children services agency or 3086
private child placing agency under division (B)(1) of section 3087

5103.15 of the Revised Code:	3088
(1) Appear personally before the court;	3089
(2) Sign the component of the form prescribed under division	3090
(B)(1)(a) of section 3107.081 <u>3107.083</u> of the Revised Code;	3091
(3) If the parent is the mother, complete and sign the	3092
component of the form prescribed under division (B)(1)(b) of	3093
section 3107.083 of the Revised Code.	3094
At the time the parent signs the components prescribed under	3095
division <u>divisions</u> (B)(1)(a) and (b) of section 3107.081 <u>3107.083</u>	3096
of the Revised Code, the parent may sign, if the parent chooses to	3097
do so, the components of the form prescribed under divisions	3098
(B)(1)(c), (d), and (e) of that section. After the parent signs	3099
the components required to be signed and any discretionary	3100
components the parent chooses to sign, the parent or agency shall	3101
file the form and agreement with the court. The court or agency	3102
shall give the parent a copy of the form and agreement. The court	3103
and agency shall keep a copy of the form and agreement in the	3104
court and agency's records. The agency shall file a copy of the	3105
form and agreement with the probate court with which a petition to	3106
adopt the child who is the subject of the agreement is filed.	3107
The juvenile court shall question the parent to determine	3108
that the parent understands the adoption process, the	3109
ramifications of entering into a voluntary permanent custody	3110
surrender agreement, and each component of the form prescribed	3111
under division (B)(1) of section 3107.083 of the Revised Code. The	3112
court also shall question the parent to determine that the parent	3113
enters into the permanent custody surrender agreement voluntarily	3114
and any decisions the parent makes in filling out the form are	3115
made voluntarily.	3116
(E) A juvenile court may approve an agreement entered into	3117
under division (B)(1) of section 5103.15 of the Revised Code	3118

between a public children services agency or private child placing 3119
agency and the parent of a child who is less than six months of 3120
age and will be, if adopted, an adopted person as defined in 3121
section ~~3107.39~~ 3107.38 of the Revised Code without the parent 3122
personally appearing before the court if the parent does both of 3123
the following: 3124

(1) Signs the component of the form prescribed under division 3125
(B)(1)(a) of section 3107.083 of the Revised Code; 3126

(2) If the parent is the mother, completes and signs the 3127
component of the form prescribed under division (B)(1)(b) of 3128
section 3107.083 of the Revised Code. 3129

At the time the parent signs that component, the agency shall 3130
provide the parent the opportunity to sign, if the parent chooses 3131
to do so, the components of the form prescribed under divisions 3132
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. 3133
Not later than two business days after the parent enters into the 3134
agreement and signs the components of the form required to be 3135
signed and any discretionary components the parent chooses to 3136
sign, the agency shall file the agreement and form with the court. 3137
The agency shall give the parent a copy of the agreement and form. 3138
At the time the agency files the agreement and form with the 3139
court, the agency also shall file with the court all other 3140
documents the director of job and family services requires by 3141
rules adopted under division (D) of section 3107.083 of the 3142
Revised Code to be filed with the court. The court and agency 3143
shall keep a copy of the agreement, form, and documents in the 3144
court and agency's records. The agency shall file a copy of the 3145
agreement, form, and documents with the probate court with which a 3146
petition to adopt the child who is the subject of the agreement is 3147
filed. 3148

Sec. 5103.152. Not less than seventy-two hours before a 3149

public children services agency or private child placing agency 3150
enters into an agreement with a parent under division (B) of 3151
section 5103.15 of the Revised Code, an assessor shall meet in 3152
person with the parent and do both of the following: 3153

(A) Provide the parent with a copy of the written materials 3154
about adoption prepared by the department of job and family 3155
services under division (C) of section 3107.083 of the Revised 3156
Code, discuss with the parent the adoption process and 3157
ramifications of a parent entering into a voluntary permanent 3158
custody surrender agreement, and provide the parent the 3159
opportunity to review the materials and ask questions about the 3160
materials, discussion, and related matters. ~~i~~ 3161

(B) ~~Unless~~ If the child who is the subject of the agreement, 3162
if adopted, will be an adopted person as defined in section 3163
~~3107.39~~ 3107.45 of the Revised Code, inform the parent that the 3164
parent's child and the adoptive parent may receive, in accordance 3165
with section 3107.47 of the Revised Code, identifying information 3166
about the parent that is contained in the child's adoption file 3167
maintained by the department of health unless the parent checks 3168
the "no" space provided on the component of the form prescribed 3169
under division (A)(1)(b) of section 3107.083 of the Revised Code 3170
or signs and has filed with the department a denial of release 3171
form prescribed under section 3107.50 of the Revised Code. 3172

Section 2. That existing sections 149.43, 1347.08, 2101.16, 3173
2101.162, 2101.24, 3107.071, 3107.081, 3107.082, 3107.083, 3174
3107.09, 3107.091, 3107.141, 3107.17, 3107.18, 3107.19, 3107.38, 3175
3107.45, 3107.66, 3705.07, 3705.08, 3705.12, 3705.23, 3705.241, 3176
3705.29, 5103.151, and 5103.152 and sections 3107.39, 3107.40, 3177
3107.41, 3107.42, 3107.43, and 3107.44 of the Revised Code are 3178
hereby repealed. 3179

Section 3. (A) Except as provided in division (B) of this section, Sections 1 and 2 of this act take effect one year after the effective date of this section.

(B) The following take effect on the effective date of this section:

(1) The enactment of section 3107.391 of the Revised Code;

(2) All of the following to the extent they apply to biological parent's name redaction request forms prescribed under section 3107.391 of the Revised Code:

(a) The amendments to division (A) of section 3107.38 of the Revised Code;

(b) The enactment of section 3107.393 of the Revised Code;

(c) The enactment of division (E) of section 3705.126 of the Revised Code.

(3) The enactment of section 3107.392 of the Revised Code.

Section 4. The Department of Health shall prepare a report that specifies the number of biological parent's name redaction request forms it receives under section 3107.391 of the Revised Code and the number of forms the Department accepts under division (C)(2) of that section. Not later than two years after the effective date of this section, the Department shall provide a copy of the report to the General Assembly in accordance with section 101.68 of the Revised Code.

Section 5. It is the General Assembly's intent to give biological parents a reasonable opportunity to have their names redacted from information that adopted persons and lineal descendants of adopted persons may obtain pursuant to section 3107.38 of the Revised Code as amended by this act.

Section 6. The General Assembly, applying the principle 3208
stated in division (B) of section 1.52 of the Revised Code that 3209
amendments are to be harmonized if reasonably capable of 3210
simultaneous operation, finds that the following sections, 3211
presented in this act as composites of the sections, as amended by 3212
the acts indicated, are the resulting versions of the sections in 3213
effect prior to the effective date of the sections as presented in 3214
this act: 3215

Section 3705.12 of the Revised Code as amended by Am. Sub. 3216
H.B. 266 and Am. Sub. H.B. 419, both of the 121st General 3217
Assembly. 3218