

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 250

Senators Jones, LaRose

Cosponsors: Senators Beagle, Burke, Lehner

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A B I L L

To amend sections 3107.055, 3107.16, 5747.37, and 1
5747.98, to amend section 5103.17 and to recodify 2
it by subdividing it into sections 5103.17 and 3
5103.172, and to enact sections 3107.056, 4
3107.0610, 3107.0611, 3107.0612, 3107.0613, 5
3107.0614, 3107.0615, 3107.0616, 5103.171, 6
5103.172, and 5103.173 of the Revised Code to 7
require that certain pre-birth adoption 8
notifications be sent to each putative father; to 9
permit a person to advertise that the person will 10
adopt children; to define for purposes of an 11
adoption, "living expenses" of a birth mother, to 12
specify how they must be paid, and to allow a 13
credit or refund of those expenses; and to 14
increase, and make refundable, the adoption income 15
tax credit. 16

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

Section 1. That sections 3107.055, 3107.16, 5103.17, 5747.37, 17
and 5747.98 be amended, that section 5103.17 be amended and 18
recodified by subdividing it into sections 5103.17 and 5103.172, 19
and that sections 3107.056, 3107.0610, 3107.0611, 3107.0612, 20

3107.0613, 3107.0614, 3107.0615, 3107.0616, 5103.171, 5103.172, 21
and 5103.173 of the Revised Code be enacted to read as follows: 22

Sec. 3107.055. (A)(1) Notwithstanding section 3107.01 of the 23
Revised Code, as used in this section, "agency" does not include a 24
public children services agency. 25

(2) As used in this section and section 3107.056 of the 26
Revised Code, "living expenses" means any of the following 27
expenses incurred by a birth mother: 28

(a) Rental or mortgage payments; 29

(b) Utility payments; 30

(c) Payments for food, household goods, personal care items, 31
and the costs of transportation to work or school. 32

(B) An agency or attorney, whichever arranges a minor's 33
adoption, shall file with the court a preliminary estimate 34
accounting not later than the time the adoption petition for the 35
minor is filed with the court. The agency or attorney, whichever 36
arranges the adoption, also shall file a final accounting with the 37
court before a final decree of adoption is issued or an 38
interlocutory order of adoption is finalized for the minor. The 39
agency or attorney shall complete and file accountings in a manner 40
acceptable to the court. 41

An accounting shall specify all disbursements of anything of 42
value the petitioner, a person on the petitioner's behalf, and the 43
agency or attorney made and has agreed to make in connection with 44
the minor's permanent surrender under division (B) of section 45
5103.15 of the Revised Code, placement under section 5103.16 of 46
the Revised Code, and adoption under this chapter. The agency or 47
attorney shall include in an accounting an itemization of each 48
expense listed in division (C) of this section and any credit or 49
refund provided under section 3107.056 of the Revised Code. The 50

itemization of the expenses specified in divisions (C)(3) and (4) 51
of this section shall show the amount the agency or attorney 52
charged or is going to charge for the services and the actual cost 53
to the agency or attorney of providing the services. An accounting 54
shall indicate whether any expenses listed in division (C) of this 55
section do not apply to the adoption proceeding for which the 56
accounting is filed. 57

The agency or attorney shall include with a preliminary 58
estimate accounting and a final accounting a written statement 59
signed by the petitioner that the petitioner has reviewed the 60
accounting and attests to its accuracy. 61

(C) No petitioner, person acting on a petitioner's behalf, or 62
agency or attorney shall make or agree to make any disbursements 63
in connection with the minor's permanent surrender, placement, or 64
adoption other than for the following: 65

(1) Physician expenses incurred on behalf of the birth mother 66
or minor in connection with prenatal care, delivery, and 67
confinement prior to or following the minor's birth; 68

(2) Hospital or other medical facility expenses incurred on 69
behalf of the birth mother or minor in connection with the minor's 70
birth; 71

(3) Expenses charged by the attorney arranging the adoption 72
for providing legal services in connection with the placement and 73
adoption, including expenses incurred by the attorney pursuant to 74
sections 3107.031, 3107.032, 3107.081, 3107.082, 3107.09, 75
3107.101, and 3107.12 of the Revised Code; 76

(4) Expenses charged by the agency arranging the adoption for 77
providing services in connection with the permanent surrender and 78
adoption, including the agency's application fee and the expenses 79
incurred by the agency pursuant to sections 3107.031, 3107.032, 80
3107.09, 3107.101, 3107.12, 5103.151, and 5103.152 of the Revised 81

Code;	82
(5) Temporary costs of routine maintenance and medical care for a minor required under section 5103.16 of the Revised Code if the person seeking to adopt the minor refuses to accept placement of the minor;	83 84 85 86
(6) Guardian ad litem fees incurred on behalf of the minor in any court proceedings;	87 88
(7) Foster care expenses incurred in connection with any temporary care and maintenance of the minor;	89 90
(8) Court expenses incurred in connection with the minor's permanent surrender, placement, and adoption;	91 92
(9) Living expenses not exceeding three thousand dollars for the birth mother that are incurred during pregnancy through the sixtieth day after the date the minor is born and paid by the petitioner to the birth mother through the attorney or agency arranging the minor's adoption.	93 94 95 96 97
(D) If a court determines from an accounting that an amount that is going to be disbursed for an expense listed in division (C) of this section is unreasonable, the court may order a reduction in the amount to be disbursed. If a court determines from an accounting that an unreasonable amount was disbursed for an expense listed in division (C) of this section, the court may order the person who received the disbursement to refund to the person who made the disbursement an amount the court orders.	98 99 100 101 102 103 104 105
If a court determines from an accounting that a disbursement for an expense not permitted by division (C) of this section is going to be made, the court may issue an injunction prohibiting the disbursement. If a court determines from an accounting that a disbursement for an expense not permitted by division (C) of this section was made, the court may order the person who received the disbursement to return it to the person who made the disbursement.	106 107 108 109 110 111 112

If a court determines that a final accounting does not 113
completely report all the disbursements that are going to be made 114
or have been made in connection with the minor's permanent 115
surrender, placement, and adoption, the court shall order the 116
agency or attorney to file with the court an accounting that 117
completely reports all such disbursements. 118

The agency or attorney shall file the final accounting with 119
the court not later than ten days prior to the date scheduled for 120
the final hearing on the adoption. The court may not issue a final 121
decree of adoption or finalize an interlocutory order of adoption 122
of a minor until at least ten days after the agency or attorney 123
files the final accounting. 124

(E) An attorney or agency that makes payments for services or 125
items that qualify as living expenses under division (C)(9) of 126
this section shall make a reasonable and good faith effort to make 127
the payments directly to the entity providing the service or item. 128

(F) This section does not apply to an adoption by a 129
stepparent whose spouse is a biological or adoptive parent of the 130
minor. 131

Sec. 3107.056. If a petitioner pays a birth mother's living 132
expenses to an attorney or agency arranging a minor's adoption and 133
the adoption does not occur, the attorney or agency shall provide 134
to the petitioner one of the following as requested in writing by 135
the petitioner: 136

(A) A credit that may be applied to a future adoption 137
petition equal to the living expenses paid in advance less the 138
total amount of living expenses paid to, or for the benefit of, 139
the birth mother of the minor; 140

(B) A refund equal to the living expenses paid in advance 141
less the total amount of living expenses paid to, or for the 142

benefit of, the birth mother of the minor. 143

Sec. 3107.0610. (A) A birth mother who decides, during the 144
pregnancy, to place the minor for adoption, or an attorney or 145
other representative working on the birth mother's behalf, shall 146
give written notice of the decision to each person who the birth 147
mother identifies as the putative father of the minor. The notice 148
shall be made by certified mail prior to the minor's birth. 149

(B) A birth mother is not required to provide notice under 150
division (A) of this section to a putative father described in 151
division (F) of section 3107.07 of the Revised Code. 152

Sec. 3107.0611. The notice described under section 3107.0610 153
of the Revised Code shall contain the following: 154

(A) The name of the putative father to whom the notice is 155
sent; 156

(B) The last known address of the putative father; 157

(C) The date of the notice; 158

(D) The name of the birth mother who has identified the 159
recipient of the notice as the putative father of the minor; 160

(E) The anticipated date of birth of the minor; 161

(F) A statement of the birth mother's decision to place the 162
minor for adoption; 163

(G) A statement notifying the putative father that he has 164
been identified as the putative father of the minor; 165

(H) A copy of the definition of a putative father under 166
section 3107.01 of the Revised Code; 167

(I) A statement notifying the putative father that he may 168
register with the putative father registry under section 3107.062 169
of the Revised Code; 170

(J) A statement describing the right of a putative father, not later than thirty days after receipt of a notice under section 3107.0610 of the Revised Code and after registering with the putative father registry, to provide provisional consent to the adoption of the minor subject to the notice, which consent shall be provided in writing as described in section 3107.0614 of the Revised Code; 171
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(K) A statement that a response to a notice under this section shall be sent by certified mail to the person that sent the notice; 178
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(L) A statement that a putative father's provisional consent to the adoption of the minor prior to the minor's birth under sections 3107.0610 to 3107.0616 of the Revised Code does not become effective until seventy-two hours after the birth of the minor under section 3107.08 of the Revised Code; 181
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(M) A statement notifying the putative father that provisional consent that has become effective may be withdrawn pursuant to section 3107.084 of the Revised Code; 186
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(N) A description of the purpose of the putative father registry and the rights to which a registered putative father is entitled; 189
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(O) A copy of the Ohio department of job and family services putative father registry form; 192
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(P) Instructions describing how to complete and submit the putative father registry form; 194
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(Q) The web site address for online registration with the putative father registry; 196
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(R) A statement explaining that if a putative father fails to register with the putative father registry, the putative father: 198
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(1) Shall lose the right to consent to the adoption of the 200

minor subject to the notice; 201

(2) Cannot provide provisional consent to the adoption of the 202
minor prior to the minor's birth under sections 3107.0610 to 203
3107.0616 of the Revised Code. 204

(S) A statement recommending that the recipient consider 205
consulting with an attorney regarding the notice and the rights 206
and responsibilities of a putative father. 207

Sec. 3107.0612. A putative father shall have thirty days from 208
the date he receives notice under section 3107.0610 of the Revised 209
Code to provide provisional consent to the adoption of the minor 210
subject to the notice. 211

Sec. 3107.0613. A putative father who receives notice under 212
section 3107.0610 of the Revised Code shall register with the 213
putative father registry under section 3107.062 of the Revised 214
Code in order to provide provisional consent to the adoption of 215
the minor prior to the minor's birth under sections 3107.0610 to 216
3107.0616 of the Revised Code. 217

Sec. 3107.0614. (A) If a putative father who receives notice 218
under section 3107.0610 of the Revised Code decides to provide 219
provisional consent to the adoption of the minor subject to the 220
notice, the putative father shall respond as follows: 221

(1) The putative father shall, without appearing personally 222
before a court, consent to the adoption of the minor by executing 223
the consent in the presence of a person authorized to take 224
acknowledgments. 225

(2) The putative father shall send the following by certified 226
mail to the person that sent the notice: 227

(a) A copy of the consent; 228

(b) Confirmation received from the Ohio putative father registrar's office that the putative father has been entered into the putative father registry. 229
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(B) If the consent and confirmation are sent to the birth mother, the birth mother shall, upon its receipt, send a copy to the attorney or other representative working on the birth mother's behalf. 232
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(C) Upon receipt of the consent and confirmation from the putative father or the birth mother, the attorney or representative shall file the consent and confirmation with the court, provide the birth mother and putative father with a copy of the consent and confirmation, and retain a copy of both in the attorney's or representative's records. The court shall keep a copy of the consent and confirmation. 236
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Sec. 3107.0615. (A) A putative father may revoke his provisional consent made pursuant to section 3107.0614 of the Revised Code at any time after providing the consent but not later than seventy-two hours after the birth of the minor subject to the consent. 243
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(B) The putative father, without appearing personally before a court, may execute the revocation in the presence of a person authorized to take acknowledgments and shall send a copy of such revocation, by certified mail, to the person that sent the putative father the notice under section 3107.0610 of the Revised Code regarding the minor. 248
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(C) If a revocation is sent to the birth mother, the birth mother shall, upon its receipt, send a copy to the attorney or other representative working on the birth mother's behalf. 254
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(D) Upon receipt of a revocation from a putative father or the birth mother, the attorney or representative shall file the 257
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revocation with the court, provide the birth mother and putative 259
father with a copy of the revocation, and retain a copy in the 260
attorney's or representative's records. The court shall keep a 261
copy of the revocation. 262

Sec. 3107.0616. If provisional consent is not revoked under 263
section 3107.0615 of the Revised Code, the consent becomes 264
effective seventy-two hours after the birth of the minor under 265
section 3107.08 of the Revised Code and may be withdrawn as 266
provided under section 3107.084 of the Revised Code. 267

Sec. 3107.16. (A) Appeals from the probate court are subject 268
to the Rules of Appellate Procedure and, to the extent not in 269
conflict with those rules, Chapter 2505. of the Revised Code. 270
Unless there is good cause for delay, appeals shall be heard on an 271
expedited basis. 272

(B) Subject to the disposition of an appeal, upon the 273
expiration of ~~one year~~ sixty days after an adoption decree is 274
issued, the decree cannot be questioned by any person, including 275
the petitioner, in any manner or upon any ground, including fraud, 276
misrepresentation, failure to give any required notice, or lack of 277
jurisdiction of the parties or of the subject matter, unless, in 278
the case of the adoption of a minor, the petitioner has not taken 279
custody of the minor, or, in the case of the adoption of a minor 280
by a stepparent, the adoption would not have been granted but for 281
fraud perpetrated by the petitioner or the petitioner's spouse, 282
or, in the case of the adoption of an adult, the adult had no 283
knowledge of the decree within the ~~one year~~ sixty-day period. 284

Sec. 5103.17. (A) As used in this section, "advertise" means 285
a method of communication by newspaper, radio, television, 286
handbills, placards, or other print, broadcast, or electronic 287
medium that originates in this state. 288

(B) Subject to section 5103.16 of the Revised Code, no person 289
or government entity, other than a private child placing agency or 290
private noncustodial agency certified by the department of job and 291
family services under section 5103.03 of the Revised Code or a 292
public children services agency, shall advertise that the person 293
or government entity will adopt children or place them do the 294
following: 295

(1) Advertise any of the following: 296

(a) That a child is being offered for adoption; 297

(b) That a child is wanted for adoption; 298

(c) That the person or government entity places, locates, and 299
receives children for adoption; 300

(d) That the person or government entity places children in 301
foster homes, hold. 302

(2) Charge, accept, pay, or offer to pay a fee for locating a 303
child for adoption or for locating another person to adopt a 304
child; 305

(3) Hold out any other inducements to parents to part with 306
their offspring, or in; 307

(4) In any manner knowingly become a party to the separation 308
of a child from the child's parents or guardians, except through a 309
juvenile court or probate court commitment. 310

Sec. 5103.171. (A) Section 5103.17 of the Revised Code does 311
not apply to a private child placing agency or private 312
noncustodial agency certified by the department of job and family 313
services under section 5103.03 of the Revised Code or a public 314
children services agency. 315

(B) Division (B)(1)(b) of section 5103.17 of the Revised Code 316
does not apply to the following: 317

(1) A person who is eligible to adopt under section 3107.03 318
of the Revised Code and has been found to be suitable to adopt a 319
child under a home study conducted by an assessor under section 320
3107.031 of the Revised Code; 321

(2) An attorney arranging the adoption on behalf of a person 322
described in division (B)(1) of this section. 323

Sec. 5103.172. If the department of job and family services 324
has reasonable cause to believe a violation of ~~this~~ section 325
5103.17 of the Revised Code has been committed, the department 326
shall notify the attorney general or the county prosecutor, city 327
attorney, village solicitor, or other chief legal officer of the 328
political subdivision in which the violation has allegedly 329
occurred. On receipt of the notification, the attorney general, 330
county prosecutor, city attorney, village solicitor, or other 331
chief legal officer shall take action to enforce this section 332
through injunctive relief or criminal charge. 333

Sec. 5103.173. An agency or attorney described in section 334
5103.171 of the Revised Code may charge a reasonable fee for 335
services provided. 336

Sec. 5747.37. As used in this section: 337

(A) "Minor child" means a person under eighteen years of age. 338

(B) "Legally adopt" means to adopt a minor child pursuant to 339
Chapter 3107. of the Revised Code, or pursuant to the laws of any 340
other state or nation if such an adoption is recognizable under 341
section 3107.18 of the Revised Code. For the purposes of this 342
section, a minor child is legally adopted when the final decree or 343
order of adoption is issued by the proper court under the laws of 344
the state or nation under which the child is adopted, or, in the 345
case of an interlocutory order of adoption, when the order becomes 346

final under the laws of the state or nation. "Legally adopt" does 347
not include the adoption of a minor child by the child's 348
stepparent. 349

There is hereby granted a credit against the tax imposed by 350
section 5747.02 of the Revised Code for the legal adoption ~~by a~~ 351
~~taxpayer~~ of a minor child by a taxpayer who is a resident. The 352
amount of the credit shall be ~~one ten thousand five hundred~~ 353
dollars for each minor child legally adopted by the taxpayer. The 354
taxpayer shall claim the credit for each child ~~beginning with~~ for 355
the taxable year in which the child was legally adopted. If the 356
sum of the credit to which the taxpayer ~~would otherwise be~~ is 357
entitled under this section is greater than the tax due under 358
section 5747.02 of the Revised Code for that taxable year after 359
allowing for any other credits that precede the credit allowed 360
under this section in the order required under section 5747.98 of 361
the Revised Code, such excess shall be ~~allowed as a credit in each~~ 362
~~of the ensuing two taxable years, but the amount of any excess~~ 363
~~credit allowed in any such taxable year shall be deducted from the~~ 364
~~balance carried forward to the ensuing taxable year~~ refunded to 365
the taxpayer. The credit shall be claimed in the order required 366
under section 5747.98 of the Revised Code. For the purposes of 367
making tax payments under this chapter, taxes equal to the amount 368
of the credit shall be considered to be paid to this state on the 369
first day of the taxable year. 370

Sec. 5747.98. (A) To provide a uniform procedure for 371
calculating the amount of tax due under section 5747.02 of the 372
Revised Code, a taxpayer shall claim any credits to which the 373
taxpayer is entitled in the following order: 374

(1) The retirement income credit under division (B) of 375
section 5747.055 of the Revised Code; 376

(2) The senior citizen credit under division (C) of section 377

5747.05 of the Revised Code;	378
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	379 380
(4) The dependent care credit under section 5747.054 of the Revised Code;	381 382
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	383 384
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	385 386
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	387 388
(8) The low-income credit under section 5747.056 of the Revised Code;	389 390
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	391 392
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	393 394
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	395 396
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	397 398
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	399 400
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	401 402
(15) The earned income credit under section 5747.71 of the Revised Code;	403 404
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	405 406

(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	407 408
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	409 410
(19) <u>(18)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	411 412
(20) <u>(19)</u> The credit for selling alternative fuel under section 5747.77 of the Revised Code;	413 414
(21) <u>(20)</u> The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	415 416 417
(22) <u>(21)</u> The job training credit under section 5747.39 of the Revised Code;	418 419
(23) <u>(22)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	420 421
(24) <u>(23)</u> The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	422 423
(25) <u>(24)</u> The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	424 425
(26) <u>(25)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	426 427
(27) <u>(26)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	428 429
(28) <u>(27)</u> The small business investment credit under section 5747.81 of the Revised Code;	430 431
(29) <u>(28)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	432 433
(30) <u>(29)</u> The research and development credit under section 5747.331 of the Revised Code;	434 435

(31) <u>(30)</u> The credit for rehabilitating a historic building	436
under section 5747.76 of the Revised Code;	437
(32) <u>(31)</u> The refundable credit for rehabilitating a historic	438
building under section 5747.76 of the Revised Code;	439
(33) <u>(32)</u> The refundable jobs creation credit or job retention	440
credit under division (A) of section 5747.058 of the Revised Code;	441
(34) <u>(33)</u> The refundable credit for taxes paid by a qualifying	442
entity granted under section 5747.059 of the Revised Code;	443
(35) <u>(34)</u> The refundable credits for taxes paid by a	444
qualifying pass-through entity granted under division (J) of	445
section 5747.08 of the Revised Code;	446
(36) <u>(35)</u> The refundable credit under section 5747.80 of the	447
Revised Code for losses on loans made to the Ohio venture capital	448
program under sections 150.01 to 150.10 of the Revised Code;	449
(37) <u>(36)</u> The refundable motion picture production credit	450
under section 5747.66 of the Revised Code.	451
(38) <u>(37)</u> The refundable credit for financial institution	452
taxes paid by a pass-through entity granted under section 5747.65	453
of the Revised Code;	454
<u>(38) The refundable credit for adoption of a minor child</u>	455
<u>under section 5747.37 of the Revised Code.</u>	456
(B) For any credit, except the refundable credits enumerated	457
in this section and the credit granted under division (I) of	458
section 5747.08 of the Revised Code, the amount of the credit for	459
a taxable year shall not exceed the tax due after allowing for any	460
other credit that precedes it in the order required under this	461
section. Any excess amount of a particular credit may be carried	462
forward if authorized under the section creating that credit.	463
Nothing in this chapter shall be construed to allow a taxpayer to	464
claim, directly or indirectly, a credit more than once for a	465

taxable year. 466

Section 2. That existing sections 3107.055, 3107.16, 5103.17, 467
5747.37, and 5747.98 of the Revised Code are hereby repealed. 468

Section 3. The amendment by this act of sections 5747.37 and 469
5747.98 of the Revised Code applies to taxable years beginning on 470
or after January 1, 2014. 471