

## INDEPENDENT ADOPTIONS

### PURSUANT TO LUCAS CO. LOCAL RULE 57.1

**EVERY FILING SHALL BE TYPEWRITTEN OR COMPUTER GENERATED. THE COURT MY REFUSE ALL FILINGS NOT SO PREPARED OR CERTIFIED. NO PLEADINGS SHALL BE FILED SIGNED IN PENCIL.**

#### I. PRE-PLACEMENT APPLICATION filed by atty for Adoptive Parents

- A. Atty brings in completed application (Form 20.1) using full, legal names, no initials and pays court costs.
- B. Court orders home study (Form 20.2)
- C. Record Check – Petitioners make appointment with the court to process fingerprints for criminal background check. Prints need to be done yearly for the duration of the case. A list of locations will be provided by your social worker.

#### II(a) APPLICATION FOR PLACEMENT BY BIRTH PARENTS -filed by atty for birth parents OR SEE II(b)

- A. Filed any time prior to birth by legal birth parents (Form 20.3A) or if the birth parents are cooperating with the adoption and after Pre-Placement Application above
- B. Court orders appointment of birth parent assessor (Form 20.4)
- C. Assessor duties:
  - \* Provide birth parents with JFS materials about adoption and birth parents rights (no less than 72 hrs. before consent is signed by legal birth parents)
  - \* Complete Ohio Law & Adoption Materials (JFS Form 1693 includes 5 components)
  - \* Complete Social/Medical History (JFS Form 1616)
  - \* Complete Lucas County assessment report

#### II(b) APPLICATION FOR PLACEMENT BY LEGAL CUSTODIANS (Form 20.3C)-filed by atty for legal custodians

- A. Filed when the allegations of birth parents are they have either abandoned or are deceased and after Pre-Placement Application above
- B. Should provide proof of placement paperwork from Juvenile Court is applicable
- C. A hearing will be scheduled on the Petition, Application for Placement & Best Interest and birth parents will be notified by personal service.

#### III. PERMANENT SURRENDER HEARING-if birth parents have filed by placement

- A. More than 72 hours after child's birth or discussion of JFS materials, whichever is LATER
- B. Assessors report is provided, and 2 assessments have been held (one pre-birth and one post birth)
- C. Birth mother appears in court (as well as legal birth father), hearing includes
  - 1. Testimony regarding identity of birth father & contact
  - 2. Court provides:
    - \*Statement of Natural Parents (Form 20.5)
    - \*Consent (Form 18.3)
    - \* Placement Order to Petitioners (Form 20.8) after receipt of Putative Father Registry Certification, if applicable and filing of Pre-Placement home study (form 1673)

#### **IV. PROOF OF LEGAL FATHER OR PUTATIVE FATHER**

- A. Legal Father must be proved by a Court document (divorce, child support, Juvenile Court order naming him as legal father- being on the birth certificate is not adequate as legal father unless they were married at the time the child was conceived.)**
- B. Putative Father Registry**
  - \* Putative Father Registry Certification dated 16 or more days after the minor's birth**
  - \* Affidavit setting forth the circumstances surrounding the service of a pre-birth notice to be submitted to court if applicable**
  - \* If a pre-birth notice is served to putative father the court will not accept the Putative Father Certification unless the date on the document is 16 days or more after the date the pre-birth notice was served**
- C. Request for Info RE: Paternity Establishment Form Completed by Central Paternity Registry dated 15 or more days after the minor's birth. E-Mailed information must be legible or a certification from the attorney will be required. Corresponding document required.**

#### **V. PETITION FOR ADOPTION**

- A. Atty Provides:**
  - \*Petition for Adoption can be filed with initial filing, on date of Placement Order or no later than 90 days after placement (Form 18.0) using full, legal names, no initials**
  - \*Preliminary Estimate Account (Form 18.9)**
- B. Court Provides:**
  - \*Order setting hearing on petition 33-45 days after placement (Form 20.11A)**
  - \*If notice of hearing on petition is required by law on birth father, then he must be served by personal service (Form 18.2NOH)**
  - \* Notice of hearing on petition to any non-consenting parent described above must be completed at least 20 days prior to hearing.**

#### **VI. PLACEMENT HEARING –**

- A. Court schedules Placement Hearing and serves notice on non-applying legal parent by personal service.**
- B. Home study must be completed and approved by Court, including criminal background check done within the last year.**
- C. After your child is placed, a social worker will need to visit you in your home and write a report that is sent to the court to report your child's progress. Each visit requires a report and has a \$150.00 fee.**

#### **VII. INTERLOCUTORY HEARING**

- A. Father files objection**
  - \*Interlocutory hearing is vacated and hearing on petition is continued (Form 20.12)**
  - \*Petitioner has burden of proving allegations in petition**
  - \*If father's consent is found necessary, petition is dismissed**
  - \*If father's consent is found not required, (Form 18.4) best interest hearing is scheduled by the court.**
- B. No objection is filed.**
  - \*Interlocutory hearing proceeds**
- C. Paper hearing**
  - \*If father is putative, must have on file the Certification from Ohio Putative Father Registry, having been provided by atty for the birth mother.**
  - \*Updated home study is required before order is signed**
  - \*Even if no objection is filed by legal father, sign form 18.4 (JE Finding Consent Not Required)**

**D. If consent is not an issue (having been deemed unnecessary or having been obtained) and granting of the petition is in the best interests of the child, then an Interlocutory Order of Adoption (Form 18.5) is entered, and final hearing is scheduled for 6 months after date of placement.**

**E. Effect of Interlocutory Order**

- \* Birth parents can no longer object unless showing of fraud etc.**
- \* Birth parents can no longer withdraw their consent**

### **VIII. FINAL HEARING**

**A. Petitioners and child MUST appear.**

**B. Prefinalization Adoption Assessment Report (JFS Form 1699) is reviewed, and had been filed at least 10 days prior to final hearing**

**C. Atty provides:**

- \* Petitioners Final Account (Form 18.9) filed at least 10 days prior to final hearing**
- \*ODH Vital Statistics Certificate of Adoption (Form HEA 2757) filed at least 10 days prior to final hearing, with original or certified copy of child's existing birth certificate**

**D. Court provides:**

- \*Request For Notification (Form 20.16)**
- \*Entry Approving Report and Finalizing Adoption (Form 18.6)**
- \*Adoption Certificate for Parents (Form 18.8)**

**E. Court forwards documents to State BVS for new birth certificate.**

**F. Petitioner to wait at least 30 days after the final hearing to order the new birth certificate, following the instructions provided in the packet at the final hearing.**