

record and to create a new birth record with the name(s) of the petitioner(s) as the parent(s) of the adoptee. Legal representation of the petitioners is required on all adoptions except for step-parent and public service agency adoptions.

### OPEN ADOPTIONS

Since September 1996, Ohio has permitted open adoptions. The birth parents and adoptive parents can continue to have access to each other after the adoption finalization. The type and amount of access is determined between the parties. This arrangement is totally voluntary. The parties may change their minds at any time. There is no legal mechanism to enforce agreements which have been made between the parties.

### ACCESS TO ADOPTION RECORDS

All adoption records held by this court are confidential. Information contained therein may be accessed only with court approval.

For adoptions finalized before January 1, 1964, adoption records may be accessed by the adoptee, the adoptive parents, a lineal descendant of the adoptee, the birth parent or the birth siblings upon written request to the court. The adoptee may access the original birth certificate from the Ohio Department of Health, Bureau of Vital Statistics.

For adoptions finalized between January 1, 1964 and September 18, 1996, identifying information contained in the adoption



file may be released only if an Authorization for Release of Information has been signed by the biological parent(s) and/or sibling(s) and filed with the Ohio Adoption Registry. To determine if an Authorization for Release of Information has been filed, the adoptee (who must be at least 21 years of age), shall file a Petition for Identifying Information with the court, either in person or by mail. A fee is charged. The court will issue an order to the Ohio Adoption Registry requiring the Registry to produce any releases they have on file for the adoptee.

For adoptions finalized after September 18, 1996, identifying information may be accessed if the birth parents have executed a disclosure statement authorizing the release of identifying information. The adoptee who is 21 years of age or the adoptive parents of the adoptee, who is at least 18 years of age, but not yet 21 years of age, may request a copy of the contents of the adoption file from the Ohio Department of Health, Bureau of Vital Statistics.

Non-Identifying social and medical information is available to the adoptee who is 21 years of age or to the parents of the adoptee if the adoptee is less than 21 years of age upon the submission of a written request to the court by mail. The request should include the full adoptive name of the adoptee, the adoptee's date of birth, the year the adoptee believes the adoption was finalized and the full name of the adoptive parents. The request must

be accompanied with a copy of the adoptee's driver's license or state issued photo ID and a copy of the adoptee's birth certificate. There are no court costs for this request. **\*Due to recent law changes, for any request filed after 03/20/15 please refer to Court's website and/or the Court's Adoption Records Brochure regarding records release.**

### HOURS & LOCATIONS

Mahoning County Probate Court  
120 Market Street  
Youngstown, OH 44503  
**Phone: 330-740-2310**  
**Fax: 330-740-2325**

Monday- Friday 8:00 AM-4:30 PM

**BE SURE TO VISIT OUR WEBSITE:**  
[mahoningcountyoh.gov/probate](http://mahoningcountyoh.gov/probate)



**Judge Robert N. Rusu, Jr. As** Probate Court Judge, my goal is serve the public in the most efficient and courteous manner possible. I am providing this brochure to help with any possible questions or concerns you may have while working with the Probate Court. I hope you find this information helpful.

*The information in this pamphlet is provided as a service of the court and does not constitute legal advice which can only be given to you by an attorney. Many probate and family law matters involve complex and valuable legal rights. You should always speak with an attorney before filing any papers.*



Mahoning County Probate  
Court Robert N. Rusu, Jr., Judge

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## Robert N. Rusu, Jr., Judge Mahoning County Probate Court



Adoption

## Informational Guide About Adoption

## ADOPTIONS

Adoption is a wonderful way to create legal familial relationships between adults who wish to become parents and children who are in need of parents. The adoption process typically begins with the placement of the adoptee with the prospective adoptive parents and typically ends with a hearing before the probate court where the judge will make a determination that the prospective parents are suitable to care for and rear the child.



*There are several types of adoptions:*

**Agency Adoptions** - Minor children are surrendered by their birth parents or have been permanently committed by the juvenile court to the custody of a public children services agency (Department of Jobs and Family Services) or a private child placing agency. Once the agency receives custody of the minor child, the staff will identify prospective adoptive families with whom the children can be matched for adoptive placement.

**Step-parent Adoptions** - Minor children are adopted by the spouse of their custodial parent. Grandparent and other intra-family or relative adoptions are not considered step-parent adoptions. They fall under the umbrella of private adoptions.

**Private Adoptions** - Birth parents identify prospective adoptive parents with whom they wish to place their child. The birth parents will ask the probate court to place

their child adoptively with the prospective parents. If the court is convinced that adoptive placement is in the child's best interest, the application will be granted. The prospective adoptive parents will be charged with the duty to petition the court for approval of the adoption.

**International Adoptions** - Minor children of foreign countries are placed adoptively with American parents. The adoption finalization can occur in the foreign country or may be completed in the United States as determined by the laws of the foreign country.

**Foreign Readoptions** - Parents of minor children whose adoptions have been finalized in their original country of residence may petition the probate court for leave to readopt the children. The probate court considers the petition utilizing the same standards as are utilized in the domestic adoption process.

**Adult Adoptions** - An adult person may be adopted if said person is totally and permanently disabled or said person is mentally handicapped or if the petitioner has established a child/step-parent relationship or child/foster caregiver relationship during the age of minority of the adult to be adopted.



## WHO MAY ADOPT

The persons who may adopt are a married couple, an unmarried adult, a step-parent, or married adult without their

spouse joining as a petitioner if the spouse is legally separated from the petitioner.

## PROPER LEGAL PLACEMENT

Under Ohio law, an adoption may not be finalized without a proper legal placement of the child in the home of the adoptive parents. This means the child must have been living in the adoptive home for at least six months. A proper legal placement can be achieved in a variety of ways. The most common are:

1. Marriage between birth parent and step-parent;
2. Placement of child by public agency in the licensed adoptive home;
3. Placement of child by private agency in the licensed adoptive home;
4. Placement of child in the adoptive home by a custody order issued by a juvenile court;
5. Placement of the child in the adoptive home by a guardianship order issued by a probate court;
6. The adoptee has been living in the home of the petitioners for at least six months since the issuance of an interlocutory order of adoption.

## CONSENT

A petition to adopt a minor child shall be granted only if written consent to the adoption has been executed by the following:

1. Birth mother;
2. Father, if the child was conceived or born while the father was married to

the birth mother or if the child is born within 300 days after the termination of the marriage;

3. Father, if the child is his by adoption;
4. Father, if there has been an administrative or legal proceeding establishing a parent and child relationship prior to the date of filing the petition for adoption;
5. Father, if he has acknowledged paternity of the child and the acknowledgment has been entered in the birth registry;
6. Putative Father, if timely registered (not later than 30 days after the birth of the child) with the Putative Father Registry, which is a database maintained by the Ohio Department of Jobs and Family Services;
7. The adoptee's guardian;
8. Any person or agency having permanent custody of the child;
9. The adoptee, if more than 12 years of age.

## ADOPTION PROCEDURE

Once the petition for adoption is filed, the probate court will direct the petitioners to engage an assessor, who is a social worker specially licensed by the State of Ohio to prepare adoption home studies. The home study will be used as evidence by the court to determine the suitability of the adoptive parents. The court will determine a date for the finalization hearing. At this hearing the court will rule on the merits of the pending petition. If the court determines the petition should be granted, it will issue an order to the Department of Health to seal the old birth