



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Chenwei Zhang

### **H.B. 283**

132nd General Assembly  
(As Introduced)

**Reps.** Rezabek, Koehler, Reineke, LaTourette

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### **BILL SUMMARY**

- Prohibits a probate court from exercising jurisdiction over an adoption petition of a child in temporary custody or protective supervision unless the juvenile court with continuing jurisdiction over the child consents to the adoption.
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### **CONTENT AND OPERATION**

#### **Juvenile court consent for certain adoptions**

The bill provides that if a child is in the temporary custody or protective supervision of a public children services agency or private child placement agency, no probate court can exercise jurisdiction over a petition for the child's adoption, unless the juvenile court judge presiding over the child's abuse, neglect, or dependency case provides written consent to the adoption.<sup>1</sup>

In the case of *State ex. Rel. Allen County Children Services Bd. v. Mercer County Common Pleas Ct.*, 2016-Ohio-7382, the Ohio Supreme Court held that a juvenile court's continuing jurisdiction over a child in temporary custody (R.C. 2151.353(F)(1)) does not divest a probate court of exclusive, original jurisdiction over adoption proceedings regarding the child. In that case, the court stated: "Had the legislature intended a temporary dispositional order to be a barrier to adoption . . . it could have required the consent of . . . the juvenile court, but it did not."

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<sup>1</sup> R.C. 3107.041.

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## HISTORY

ACTION

DATE

Introduced

06-20-17

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