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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 5
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 5's Bill Analysis](#)

Version: As Reported by House Families and Aging

Primary Sponsors: Reps. Ray and Baker

Local Impact Statement Procedure Required: No

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Highlights

- Probate courts may see an increase in adoption proceedings and an overall potential decrease in the length of individual proceedings. Any changes to the expenses of the courts is not expected to be significant relative to overall caseloads, including additional notification requirements for the clerks of courts.
- Public children services agencies (PCSAs) might realize an increase in casework and placement costs if there are additional voluntary permanent surrenders. However, PCSAs could realize a reduction in placement costs if the time a child lives in the home of a relative, caregiver, etc. who is adopting the child prior to the date that the person files the adoption petition is counted toward the six-month waiting period.

Detailed Analysis

The bill makes a number of changes to Ohio's Adoption Law. Those with fiscal impacts are discussed below. See LSC's [bill analysis](#) for a detailed discussion of the bill.

Probate courts

The bill specifies that, except as otherwise provided by law, the probate court has exclusive jurisdiction to hear and determine adoption petitions, as is generally the case under current law and practice. From CY 2018-CY 2022, an average of 4,200 adoption cases were filed in the state's probate courts.

The bill makes a number of modifications to the law that may reduce the number of adoption-related hearings or decrease the overall length of adoption proceedings including: changes to who is permitted to adopt, the types of consent required from and exemptions granted to various parties, a requirement that adoption proceedings be stayed until permanent custody has been granted when a permanent custody proceeding is pending, requiring the

six-month waiting period before an adoption is finalized to include the amount of time a child has lived in the home of specified caregivers prior to the filing of an adoption petition, and allowing a foreign decree of adoption to be accepted and considered final if certain conditions are met rather than requiring the adoptive parent to petition the court for finalization of the adoption.

The bill also makes modifications to the law that may increase the number of overall adoption proceedings including: (1) the expansion of adult adoption to include adults with developmental disabilities rather than only intellectual disabilities as under current law, (2) removing the requirement that an adult consent to such an adoption under certain circumstances, and (3) permitting a court to revisit the adoption decree of a child who was a victim of trafficking in persons upon a motion by any person.

The overall impact of these changes to the workload and related expenses is difficult to quantify and will be dependent upon the circumstances of the cases before the court, but is unlikely to require significant additional resources for any impacted probate court, relative to current caseloads. To some degree, changes that reduce the amount of workload for the courts may also increase the number of adoptions overall as the system may be easier for prospective petitioners to navigate.

Additionally, the bill requires the court to notify any guardian ad litem of the person to be adopted and any agency with permanent custody of the child to be adopted of the filing of an adoption petition, including the time and place of the hearing and adds additional language to the notice itself. These changes will increase one-time administration costs for the clerks of courts to update the notice and ongoing increased expenses to send additional notifications. It is likely that courts can take on these additional expenses with currently appropriated staff and resources.

Public children services agencies

The bill permits a public children services agency (PSCA) or private child placing agency (PCPA) to accept the voluntary permanent surrender of a child by the child's parents while the child is in the agency's temporary custody. This provision might increase the number of voluntary permanent surrenders, which could increase casework and placement costs for PCSAs. Additionally, the bill allows a petition for a minor's adoption to be filed for a child who is subject to a pending permanent custody proceeding. A hearing on the adoption petition must be stayed and a final decree of adoption or an interlocutory order of adoption cannot be issued until the permanent custody proceeding, including any appeals, has concluded and permanent custody has been granted. According to the Public Children Services Agency of Ohio, if this provision leads to more competing adoption petitions being filed, PCSA costs could increase.

The bill requires the court to apply the amount of time a child has lived in the home of the child's relative, kinship caregiver, legal custodian, or guardian who is adopting the child prior to the date that person filed the adoption period toward the six-month waiting period required before an adoption is final. If this reduced the waiting period, this could lead to a decrease in placement costs.