

Probate Court Screens Prospective Parents in Private Adoptions

Q: We are interested in adopting a child, and understand the court must approve us first. What requirements must we meet?

A: In some Ohio counties, the probate court may conduct a home study in order to investigate and pre-approve prospective adoptive parents. (This may be handled by the probate court in your residential county or that of the birth parent, or the county of the licensed adoption agency in the case of an agency adoption.) In other counties, the probate court may authorize an agency to handle the investigative home study.

Q: What's the first step in the home study process?

A: You must complete a pre-placement application and list five references. These individuals should not be your relatives. They should, however, be capable of expressing opinions about your ability to be adoptive parents. The completed application should be signed only in the presence of a notary public. Most courts and adoption agencies will provide a reference letter form for your references to complete. These reference letters should provide information such as how long the references have known you, why you would make good parents and how you relate to children. Your references will be expected to send their letters directly to the court or adoption agency.

Q: Must we have a medical exam?

A: Yes. The probate court requires you, your spouse, and any other household members to have had physical exams within the past year (from the time the pre-placement application is filed). Every adult and child in your household must obtain either a letter or completed medical form from a physician regarding his or her health or undergo a physical exam.

Q: Does Ohio law require us to have a criminal background check?

A: Yes, for you, your spouse and any other adult household member. The Bureau of Criminal Identification and Investigation (BCI) requires all requests for Ohio civilian background checks to be submitted electronically through the use of WebCheck or other approved methods. It could take approximately 30 days to get results. You may go to the location nearest you to have your fingerprints scanned. These locations are listed on the Ohio Attorney General's website at www.ohioattorneygeneral.gov/BCI. It is also wise to get a national FBI criminal background check.

Q: Does the court require any other documentation?

A: Yes. You also must complete a residency certification form, stating the length of time you have lived in Ohio. Courts will also require a child abuse clearance from the Ohio Department of Job and Family Services and from any other states that have required you to have a home fire inspection and a safety audit. Your attorney or agency representative must file these forms, as well as the other documentation mentioned above, with the probate court. The court social worker will review the documents and then contact you to arrange a home study.

Q: My spouse and I have lived in Ohio for only a year. Will we need more than an Ohio

criminal background check?

A: Yes. If you or any of your adult household members have lived in Ohio for less than five years, you must also undergo a national criminal background search by the Federal Bureau of Investigation. Most places that do criminal background checks will offer to do this.

Q: What kinds of criminal convictions might keep us from adopting a child?

A: Convictions for felonies, drug offenses, OVI, assault or sex-related charges may keep you from adopting a child, even if these convictions have been expunged.

Q: What happens during the home study?

A: The social worker will conduct a personal interview with you and your spouse and/or other household members and review your pre-placement application to determine whether you meet the minimum standards established under Ohio law to provide a suitable home for a child.

Q: Is there a follow-up home visit?

A: Yes. The court social worker will periodically return (usually monthly) to interview the family after the child is placed in the home in order to determine whether finalizing the adoption is in the child's best interests.

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Law You Can Use is a weekly consumer legal information column provided by the Ohio State Bar Association. This article was prepared by Columbus attorney Thomas Taneff, who concentrates on probate and adoption law and has served on the Ohio Adoption Commission.

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