

Ohio Law Permits Adult Adoptions

Q: I just learned that it is possible to adopt an adult. Under what circumstances is this done in Ohio?

A: There are several reasons why adult adoptions may be undertaken. The most common reason is to formally and legally recognize an existing parent/child-like relationship. Among the benefits of a formal adoption is the ability of the adopted person to inherit from the adoptive parent. An adult adoption also may be used to provide protection for a person of diminished capacity or abilities. Once adopted as a legal family member, such an individual may then be assured of lifetime care under family insurance, or through inheritance. Finally, a stepparent-stepchild relationship can be formalized through an adult adoption.

Q: What does Ohio law say about adult adoptions?

A: Ohio law allows adults who are totally and permanently disabled or mentally retarded to be adopted. In addition, Ohio law permits adult adoption for any adult who has established a relationship with adoptive parents through a child-foster caregiver or child-stepparent relationship as a minor, assuming the adult child consents to the adoption. Ohio House Bill 411 amended Ohio adoption law to allow an adult to be adopted if the adult is the child of the spouse of the adoption petitioner and the adult consents to the adoption. Previously, an adult could be adopted only if a child/foster-parent relationship was established when the person to be adopted (“adoptee”) was a minor child.

Further, Ohio House Bill 92 allows an adult child to be adopted by the spouse of his or her parent, as long as the adoptee consents. Ohio law previously did not allow an adult child to be adopted unless he/she had established a parent-child-like relationship while still a minor. Ohio House Bill 92 applies in situations where someone remarries and the new spouse has an adult child who wishes to become bound to the new family.

Q: Does the procedure for adopting an adult differ from the procedure for adopting a minor child?

A: When adopting an adult, the prospective adoptive parent must prepare, sign and file a petition with the probate court. The court will then set a date for a final hearing, at which time it will make a determination about whether the adoption serves the best interests of the adoptee. Assuming the court approves the adoption, the court will order a new birth certificate for the adoptee.

Unlike the procedure used for the adoption of a minor child, the court generally will not require a home study in the case of an adult adoption; also, no waiting period is required before an adult adoption can be finalized.

Q: What does the court consider before granting an adult adoption in Ohio?

A: Before granting an adult adoption in Ohio, the court must determine whether a child/foster-parent relationship existed while the person to be adopted was still a minor, unless the adult child is to be adopted by a step-parent. To make such a determination, the court will look at the types of

nurturing that was provided to the child, including the provision of emotional and financial support, food, shelter, discipline, guidance, education, religious training, medical care and love and affection.

Q: Are adult adoptions permanent?

A: Yes. When a minor child is adopted, the changes that result are permanent. The same can be said for an adult adoption. As in any adoption, the existing relationship with the biological parents is severed. An adult adoption creates a new parent-child relationship. A new birth certificate is issued for the adopted person, showing the adoptive parents as the legal, birth parents. The last name of the adopted person also may be changed to that of the adoptive parents. The original birth record involved in an adult adoption will be sealed according to the state's laws, even though the parties involved are adults and are aware of the family details.

10/18/2013

This "Law You Can Use" consumer legal information column was provided by the Ohio State Bar Association. It 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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