

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Pro Se Adoption of a Minor

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

Background

Before March 20, 2025, no petition for adoption could be filed by a person (the "Petitioner") unless the adoption process was arranged by either an agency or an attorney.¹ The Adoption Modernization Act (the "Act"), effective March 20, 2025, permits certain Petitioners to file a petition for adoption and proceed through the adoption process without an arrangement by an agency or attorney, but rather as a "pro se litigant."² Those persons, who may proceed with the adoption process without an agency or attorney are a (1) stepparent, (2) grandparent, (3) adult sibling, (4) legal custodian, (5) guardian, and (6) the spouse of those five persons in a joint adoption (a "Pro Se Petitioner").³ The purpose of this information sheet is to assist a Pro Se Petitioner who intends to adopt a minor child (i.e., under 18 years of age).

1. What is Adoption? Adoption is a court process regarding the parenthood of a minor. Essentially, a person becomes a parent of a minor in two ways. The first is by reason of biological birth. The second is by a probate court order of adoption. In either case that person has full parental rights over the minor and the parental rights of the biological parent have been or are terminated.

¹ See RC 3107.011

² "Pro Se" is a Latin phrase meaning "on behalf of one's self" - Black's Law Dictionary.

³ See RC 3107.011(A)

2. Parental Rights - Biological Parent. Of course, the mother of a minor, by reason of birth,⁴ has full parental rights, irrespective of whether the mother is married or unmarried. Moreover, the father of the child has parental rights, although if the mother and father are unmarried, the father only obtains custody rights or parenting time rights from a juvenile court order.
 - a. Parental Rights - Adoption. A person can obtain full parental rights by reason of a probate court order of adoption. In either case, a Petitioner may adopt a minor, whose parent(s) are either (1) a biological parent or (2) a parent by reason of a prior probate court adoption order.
 - b. Key Points. This understanding of parental rights is important because a minor child cannot be adopted unless either:
 - i. The parental rights of both the mother and father are permanently terminated by reason of:
 1. a voluntary surrender of parental rights, in accordance with law,⁵ or
 2. by court order, typically the result of a juvenile court proceeding, where the court essentially gives an agency permanent custody of the minor, thus allowing the agency to place the minor with a relative (known as kinship placement) or a foster care family, and the public agency wants to assist with an adoption of the minor;⁶ or
 - ii. The parental rights of the mother and father have not been permanently terminated, but both parents are willing to consent to the adoption when a parent's consent of adoption is required by law, although consent is not required by certain parents, which is described below.
3. Qualifications of a Pro Se Petitioner. A probate court will only grant an adoption to a Pro Se Petitioner if the adoption is in the minor's best interest. To determine whether the adoption is in the minor's best interest, there are two processes concerning the Pro Se Petitioner to be completed before the final hearing on the petition for adoption.
 - a. Assessment of Pro Se Petitioner:⁷ After filing the adoption petition, the Court will appoint an assessor, who will conduct an assessment of the minor and the Pro Se Petitioner. The assessment must include the following:
 - i. The adjustment of the minor and the petitioner to the adoptive placement;
 - ii. The present and anticipated needs of the minor and the petitioner, as determined by a review of the minor's medical and social history, for adoption-

⁴ This also includes the birth mother of a minor by reason of artificial insemination.

⁵ The Act allows a parent to enter into a Voluntary Permanent Custody Surrender Agreement (VPCSA) with Job & Family Services - see R.C. 5103.15. In that case, although technically parental rights are not terminated, the person is essentially deemed to have abandoned the minor and consent to an adoption is not required (see R.C. 3107.17()). In addition to a parent, a person who currently is a legal custodian or a guardian of the minor may enter into a VPCSA.

⁶ Usually, Job and Family Services in a juvenile court proceeding resulting from the parents abusing the child, or the child

⁷ See RC 3107.12

related services, including assistance under (i) Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, as amended, or (ii) RC 5153.163, and counseling, case management services, crisis services, diagnostic services, and therapeutic counseling;

- iii. The physical, mental, and developmental condition of the minor;
- iv. If known, the minor's biological family background, including identifying information about the biological or other legal parents;
- v. The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner;
- vi. The attitude of the minor toward the proposed adoption if the minor's age makes that feasible;
- vii. If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended;
- viii. If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child; and
- ix. If applicable, the documents or forms required by RC 3107.032, 3107.10, and 3107.10.

The assessor must file a report with the Court no less than 20 days before the final hearing, and will give a copy of the report to the Pro Se Petitioner.

Note also, that if the Pro Se Petitioner is a stepparent, then an assessment is not required unless the Court orders the assessment. However, the assessment is still required if the Pro Se Petitioner is a grandparent, adult sibling, legal custodian, or guardian.

To prepare for the assessor, please gather the following:

- ▶ Your government issued photo identification and for your spouse, if married;
 - ▶ If married, a certificate copy of the marriage license,
 - ▶ certified copy of all divorce papers;
 - ▶ certified copy of all child support papers for your children.
- b. Home Study.⁸ In addition to the assessment described above, the court-appointed assessor shall conduct a home study of the Pro Se Petitioner, which will include a review of all members of the household, to ascertain whether a person seeking to adopt a minor is suitable to adopt. The assessor must prepare a written report of the

⁸ See RC 3107.031

home study and file it with the Court at least ten days before the petition for adoption is heard.

- c. Criminal Background Check. Before the Court can determine whether the adoption is in the minor's best interest, sets the adoption hearing, and grants an order of adoption, the Pro Se Petitioner shall obtain a criminal background check of the Pro Se Petitioner performed by Geauga County Jobs and Family Services ("JFS"), and
(ii) pay the cost of that criminal background check. The Help Center or the adoption probate clerk can assist with that process.
- d. SACWIS Registry. Additionally, before the Court can determine whether the adoption is in the best interest of the minor, sets the adoption hearing, and grants an order of adoption, the Court requires a report from the Statewide Automated Child Welfare Information System ("SACWIS") about the Pro Se Petitioner and all members of the household. That search can be conducted, with the assistance of the Help Center or the adoption probate clerk, after filing the petition. Also, before filing the petition, the Pro Se Petitioner may want to do a SACWIS search to determine whether there may be any issues as a result. There is a guidance on our website titled "Completing an Ohio SACWIS Alleged Perpetrator Search (OSAPS) as an Individual - User Guide."
- e. Putative Father Registry. If the father is unknown, then the Court requires a petitioner to search the Putative Father Registry provided by the Ohio Department of Job & Family Services. The adoption probate clerk can assist you with that search.

4. Parental Assessment.

- a. General Assessment. Unless the Pro Se Petitioner is a stepparent, grandparent, or adult sibling, the court will appoint an assessor to meet with the biological parent who needs to sign a written consent of adoption, and discuss with the parent certain information regarding the adoption process, including all of the ramifications of the adoption process, and including the requirements outlined in RC 3107.083. Please note that that parental assessment outlined in RC 3107.082 is required if the Pro Se Petitioner is a legal custodian or a guardian.
 - b. Social and Medical Histories. Additionally, unless the Pro Se Petitioner is a stepparent or grandparent, the assessor shall record the social and medical histories of the biological parents as required by RC 3107.09 using forms prescribed by the Ohio Department of Children and Youth. The assessor will file with the Court those social and medical histories. If those histories are not filed, the Court may refuse to issue a final adoption order. Please note that this parental assessment under RC 3107.09 is required if the Pro Se Petitioner is an adult sibling, legal custodian, or a guardian.
5. Waiting Period. RC. 3107.02 essentially provides that the Court cannot issue a final adoption order until the minor has lived in the home of the Pro Se Petitioner for at least six months. In determining the six-month period for a Pro Se Petitioner, the Court will apply the time that the minor has lived in the Pro Se Petitioner's home before filing the petition for adoption.
6. Written Consent. Generally, a minor child cannot be adopted unless the parent's parental rights are permanently terminated. As discussed above, the parental rights may be

permanently terminated in several ways. First, parental rights may be involuntarily permanently terminated by a court order, typically resulting from a juvenile court proceeding that is commenced by JFS because the minor has been abused, neglected or is dependent. Second, a parent may voluntarily permanently terminate parental rights, which under the Act, by signing a voluntary permanent custody surrender agreement.⁹ If the parental rights of the minor's parent are not terminate by a court order (typically a juvenile court order) or the parent has not voluntarily surrendered permanent custody, then the probate court cannot order an adoption of the biological parents' minor unless a each biological parent signs a written consent, which effectively is a voluntary surrender of parental rights; provided, however, that in some cases the court does not require a biological parent's consent to adoption, which is explained below in more detail.

Assuming that the parental rights of the minor's parents are not permanently terminated by a court order or the parent has not voluntarily surrendered permanent custody, then RC 3107.06 identifies the persons or entities from whom the Pro Se Petitioner must obtain a written consent, using the court form titled "Consent to Adoption (Form 18.3), from certain persons or entities.

- a. Required Written Consents. Unless a person or entity named below is not required to sign a consent to adoption by reason of RC. 3107.07, which is described below, the following, as listed in RC. 3107.06, must sign a written consent.
 1. Both Known Parents of the Minor. A known parent includes (i) an adoptive parent, (ii) a father noted on the birth certificate, (iii) a father resulting from acknowledgment in a paternity proceeding, or (iv) a father declared as such in a court or administrative proceeding in Ohio or another state, typically known as a paternity proceeding, when the father refuses to acknowledge paternity, but the court or administrative agency issues an order declaring the person to be the father of the minor.
 2. Putative Father. A putative father as defined in RC 3107.01(S). Below is a summary of that sub-section.
 - "Putative father" means a man, including one under age 18, who may be a child's father and to whom all of the following apply:
 - He is not married to the child's mother at the time of the child's conception or birth;
 - He has not adopted the child;
 - He has not been determined by a court or administrative agency paternity proceeding to be the minor's father; and
 - He has not acknowledged paternity of the child pursuant to a paternity proceeding.

⁹ RC 5103.15

3. Person or Agency with Permanent Custody. Any person or agency that has permanent custody of the minor or who is authorized by the court to give written consent.
 4. Minor more than 12 Years Old. If the minor is more than age 12, then that minor must appear before the court and give written consent. Please note that the Pro Se Petitioner must file with the court the original (not a copy) of the written consents obtained, together with the petition.
- b. Written Consent Not Required. RC 3107.07 provides that, despite the persons or agencies, who are identified above in RC 3107.06, the consent by certain persons or agencies is not required. A summary of those provisions is as follows:
- i. A parent when it is alleged in the adoption petition and the court, after proper service of notice and hearing, finds by clear and convincing evidence that the parent has failed without justifiable cause to (1) have more than de minimis contact with the minor, or (2) provide meaningful and regular maintenance and support of the minor as required by law or judicial decree for a period of one year immediately preceding the filing of the adoption petition.
 - ii. The putative father, if either of the following applies:
 1. He fails to register as the minor's putative father in the Ohio Putative Father Registry not later than 15 days after the minor's birth, or
 2. The court finds at a hearing any of the following:
 - (1) He is not the father of the minor; or
 - (2) He has failed without justifiable cause to have more than de minimis contact with the minor or to provide meaningful and regular maintenance and support for the minor; or
 - (3) He has willfully failed to meaningfully and regularly care for and support the mother of the minor during her pregnancy and up to the time of her surrender of the minor, or the minor's placement in the home of the petitioner or petitioners, whichever occurs first; or
 - (4) He has entered into a properly executed voluntary permanent custody surrender agreement under RC 5103.15(B); or
 - iii. As discussed above, a parent whose parental rights have been permanently terminated by a juvenile court order, typically resulting from a case brought by JFS, resulting in JFS being granted permanent custody.
 - iv. When the minor is conceived by a parent who committed an act of rape or sexual battery and that parent is convicted or pleads guilty to the criminal act.

- v. A legal guardian or guardian ad litem of a parent judicially declared incompetent in a separate court proceeding who has failed to respond in writing to a request for consent, for a period of 30 days, or who, after examination of the reasons for withholding consent, is found by the court to be withholding consent unreasonably.
 - vi. Any agency (typically JFS) having permanent custody of the minor to be adopted who, after examination of the reasons for withholding consent, is found by the court to be withholding consent unreasonably.
 - vii. Any parent, legal guardian, or other lawful custodian in a foreign country, if the person to be adopted has been released for adoption according to the laws of the country in which the person resides and the release of such person is in a form that satisfies the requirements of the citizenship and immigration services of the United States department of homeland security for purposes of immigration to the United States (is usually applicable in a foreign adoption).
 - viii. Except as provided in RC. 3107.07(F) and (G), a juvenile court, agency, or person given notice of the petition fails to comply with the requirements described R.C. 3107.07(8);
 - ix. A parent who has been convicted of or pleaded guilty to a criminal offense that resulted in any of the following:
 - 1. The death of the minor's other parent, legal custodian, guardian, or primary care provider; or
 - 2. A term of incarceration of that parent that is expected to extend beyond the minor's age of majority.
 - x. Any guardian, custodian, or other party who has temporary custody of the child.
- c. Withdrawing Consent. RC 3107.084 permits a person or agency that has signed a written consent to withdraw that consent, except that:
- i. A written consent cannot be withdrawn after the court has issued an interlocutory or final order of adoption.
 - ii. Even if the written consent is timely withdrawn, the withdrawal is only effective if, at a hearing, the court finds that the withdrawal is in the best interest of the minor and the court issues an order that authorizes the withdrawal of consent.
 - iii. The court will issue a notice of the hearing to the Pro Se Petitioner and the person seeking withdrawal of the written consent.

7. Preparing a Petition and Filing a Petition for Adoption. See the Checklist on the Court's website titled "Checklist-Adoption - Pro Se Petitioner." The fundamental steps that must be obtained and filed with the adoption petition, are:
 - a. Certified Copy of Minor's Birth Certificate. You must obtain a certified copy of the minor's birth certificate. The birth certificate must be a long-form certificate, which shows the city/township, county, and state of the birth.
 - b. Original of All Written Consents. You must obtain all required written consents using Form 18.3 (Consent to Adoption), which must be notarized. The original (not a copy) of each signed and notarized Form 18.3 must be filed together with the petition.
 - c. Putative Father Registry. If required (please review the information above regarding the Putative Father Registry), then file that report together with the adoption petition.
 - d. ICWA Affidavit.¹⁰ Before filing the petition for adoption, you must meet with the minor, the minor's parents, a guardian, or legal custodian to determine whether the minor is an Indian child as defined in OAC Rule 5101:2-53-01. If such person is unavailable or unable to provide information, then you must consult with other relatives or collaterals to obtain that information. After such investigation, you must prepare and file, together with the adoption petition, the form titled ICWA Affidavit (Form GCPF 4.53A).
 - e. Government-issued photo I.D. File a copy of a government-issued photo identification for the Pro Se Petitioner.
 - f. Marriage Certificate. If married or have other children, obtain and file:
 - i. A government-issued photo identification of the spouse of the Pro Se Petitioner;
 - ii. a certificate copy of the marriage license,
 - iii. a certified copy of all divorce papers;
 - iv. a certified copy of all child support papers for your children.
8. Post Filing Petition. Assuming that the Court issues a final decree granting you adoption of the minor, then
 - a. Certificate of Adoption. The probate clerk will prepare and file with the Ohio Department of Health - Vital Statistics a form titled "Certificate of Adoption" (form "HEA 2757 (10/2020)"), which confirms the minor's new name and the completion of the adoption process.

¹⁰ See OAC Rule 5180:2-53-03

- b. Adoption Certificate for Parents. The probate clerk will prepare and mail to you a form titled "Adoption Certificate for Parents" (Form 18.8) for your records, which confirms the completion of the adoption process.

9. Other Matters to Consider.

- a. Inter-State Adoptions. If the adoption process includes the cooperation of another state, then this Court must abide by the Interstate Compact on the Adoption of Children (ICPC), which was enacted to law in Ohio as provided in RC. 5103.20 through RC. 5103.23. The ICPC typically is applicable when the child is born in one state and adopted in another state. Because of the complexity of the ICPC, the Help Center cannot assist with that adoption process and recommends that a Pro Se Petitioner hire an attorney.
- b. Foreign Adoption. If the adoption process was completed in another country and that foreign adoption order must be recognized in Ohio (usually because the minor will reside in Ohio), then consider the applicable forms and checklist on the Court's website on the page titled "Foreign Adoption."
- c. Termination of Child Support. If there is an outstanding child support order regarding one or both parents of the minor to be adopted, then R.C. 3107.20 requires this Court to notify the applicable child support enforcement agency of the adoption order.

LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.