



Have You Thought About Adopting Your Stepchild?

Read on and wonder no more. The path to legal parenthood may be more straightforward than you think.

The process begins with hiring an attorney. You might be thinking, "Do I need an attorney?" The answer unequivocally is, "Yes, you do." Unlike other areas of the law, in Ohio, a person must be represented by an attorney during an adoption proceeding. You and your attorney will discuss if you are a fit candidate. Generally speaking, to be a qualified candidate, you must pass a background check and demonstrate that you can provide the child waiting to be adopted with a healthy parental relationship. If you passed muster, then you will work to prepare and file an adoption petition because the process is commenced upon the filing of a petition for adoption. The petition must be filed in a probate court in the county where any of the following apply:

- the birth parent(s) reside;
- the child was born;
- the person(s) seeking to adopt resides;
- the home of record is for a person stationed in the military; or
- the agency with custody of the child is located.

Certain consent forms must accompany the petition. In stepparent adoptions, the stepparent's spouse must consent to the adoption. If the person waiting to be adopted is a minor child at least 12, they must consent. If the person waiting to be adopted is an adult, they must consent. The biological parent, who is not the stepparent's spouse, typically must consent, although a few exceptions apply. The biological parent must also be served with notice of the hearing. Perfecting service is not a given. Service issues are often the

reason for delays in the case.

Once the petition is filed and a hearing date is set (a Court hearing is required), the adopting parent must be fingerprinted and undergo a background check. Also, an adoption assessor will visit the residence to ensure a safe and healthy environment for the child. This is called a home study. These are necessary for all adoptions of minor children.

The adoptive parent(s) and the person waiting to be adopted must appear at the hearing. Not all adoption hearings are enjoyable. Sometimes they are contested and controversial. Periodically they are continued and rescheduled for another date. Occasionally, adoption is granted at the first hearing.

Adoption records are sealed and confidential. This includes the Application. No one other than the parties to the case and counsel of record may access them. Once the adoption is granted, the prior birth certificate of the child will be sealed, and a new birth certificate will be issued, naming the new parent in place of the biological parent.

One of the most rewarding aspects of practicing law is our ability to help someone. The attorneys at Carlile Patchen & Murphy are honored when we can help our clients with adoption proceedings. Whether you are ready to move forward with an adoption proceeding or want to learn more about the process, we can help. Contact any Family Wealth & Estate Planning Group member or your attorney at Carlile Patchen & Murphy.