



## Law You Can Use: Consumer Information Column

### Ohio Law Permits Adult Adoptions

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#### **Adopting an adult in Ohio**

There are several reasons why adult adoptions may be undertaken. The most common reason is to formally and legally recognize an existing parent/child 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 lifetime care under family insurance, or through inheritance. Finally, a stepparent/stepchild relationship can be formalized through an adult adoption.

Ohio law allows adults who are totally and permanently disabled or intellectually disabled 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. A law that took effect in 2011 also 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 relationship while still a minor. This law applies in situations where someone remarries and the new spouse has an adult child who wishes to become bound to the new family.

#### **Adult adoption procedure**

In order to adopt 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 where 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 and no waiting period is required before an adult adoption can be finalized.

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 stepparent. To make such a determination, the court will look at the type 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.

#### **Adult adoptions are permanent**

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. An experienced family law attorney can help streamline the adoption process and answer any questions the family may have.



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December 5, 2018

### **About the Author**

Thomas Taneff is the principal of Thomas Taneff Co., LPA in Columbus and he has been practicing law for more than 30 years. Taneff was a member of former Ohio Governor George Voinovich's Adoption Task Force and Commission which rewrote Ohio adoption code, and he has been recognized for his commitment and dedication to improving the lives of children through adoption. He focuses his practice on probate, estate planning, guardianships, adoption and reproductive law. Taneff received his undergraduate education from The Ohio State University and his law degree from Capital University Law School.

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