



Ohio Revised Code

Section 3107.07 Consent unnecessary.

Effective: March 21, 2025

Legislation: House Bill 5 (GA 135), Senate Bill 109 (GA 135)

Consent to adoption is not required of any of the following:

(A) A parent of a minor, 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 have more than de minimis contact with the minor or to 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.

(B) The putative father of a minor if either of the following applies:

(1) The putative father fails to register as the minor's putative father with the Ohio putative father registry established under section 3107.062 of the Revised Code in accordance with rule 5101:2-48-02 of the Ohio Administrative Code, not later than fifteen days after the minor's birth;

(2) The court finds, after proper service of notice and hearing, that any of the following are the case:

(a) The putative father is not the father of the minor;

(b) The putative father 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;

(c) The putative father 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.

(C) A parent who has entered into a properly executed voluntary permanent custody surrender agreement under division (B) of section 5103.15 of the Revised Code;



(D) A parent whose parental rights have been terminated by order of a juvenile court under Chapter 2151. of the Revised Code or by any other court of competent jurisdiction;

(E) The father, putative father, or mother, of a minor if the minor is conceived as the result of the commission of rape or sexual battery by the father, putative father, or mother and the father, putative father, or mother is convicted of or pleads guilty to the commission of that offense. As used in this division, "rape" means a violation of section 2907.02 of the Revised Code or a similar law of another state and "sexual battery" means a violation of section 2907.03 of the Revised Code if the sexual activity involved is sexual conduct, or a similar law of another state.

(F) 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 thirty days, or who, after examination of the reasons for withholding consent, is found by the court to be withholding consent unreasonably;

(G) Any agency having permanent custody of the person to be adopted who, after examination of the reasons for withholding consent, is found by the court to be withholding consent unreasonably;

(H) Any parent, legal guardian, or other lawful custodian in a foreign country, if the person to be adopted has been released for adoption pursuant 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 pursuant to section 101(b)(1)(F) of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101(b)(1)(F), as amended or reenacted.

(I) Except as provided in divisions (F) and (G) of this section, a juvenile court, agency, or person given notice of the petition pursuant to division (A)(1) of section 3107.11 of the Revised Code that fails to comply with the requirements described in division (B) of that section;

(J) 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;



(2) A term of incarceration of that parent that is expected to extend beyond the minor's age of majority.

(K) Any guardian, custodian, or other party who has temporary custody of the child.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.