Ohio Release of Non-identifying Information in Statute

3107.66 Request for nonidentifying information.

(A) As used in this section:

(1) "Adopted person" includes both an "adopted person" as defined in section 3107.38 of the Revised Code and an "adopted person" as defined in section 3107.45 of the Revised Code.

(2) "Adoptive parent" means a person who adopted an adopted person.

(3) "Birth parent" means the biological parent of an adopted person.

(4) "Birth sibling" means a biological sibling of an adopted person.

(B) An adopted person age eighteen or older, an adoptive parent of an adopted person under age eighteen, or an adoptive family member of a deceased adopted person may submit a written request to the agency or attorney who arranged the adopted person's adoption, or the probate court that finalized the adopted person's adoption, for the agency, attorney, or court to provide the adopted person, adoptive parent, or adoptive family member information about the adopted person's birth parent or birth sibling contained in the agency's, attorney's, or court's adoption records that is nonidentifying information. Except as provided in division (C) of this section, the agency, attorney, or court shall provide the adopted person, adoptive parent, or adoptive family member the information sought within a reasonable amount of time. The agency, attorney, or court may charge a reasonable fee for providing the information.

A birth parent of an adopted person eighteen years of age or older, a birth sibling age eighteen or older, or a birth family member of a deceased birth parent may submit a written request to the agency or attorney who arranged the adopted person's adoption, or the probate court that finalized the adoption, for the agency, attorney, or court to provide the birth parent, birth sibling, or birth family member information about the adopted person or adoptive parent contained in the agency's, attorney's, or court's adoption records that is nonidentifying information. Except as provided in division (C) of this section, the agency, attorney, or court shall provide the birth parent, birth sibling, or birth family member the information sought within a reasonable amount of time. The agency, attorney, or court may charge a reasonable fee for providing the information.

(C) An agency or attorney that has permanently ceased to arrange adoptions is not subject to division (B) of this section. If the adoption records of such an agency or attorney are held by a probate court, person, or other governmental entity pursuant to section 3107.67 of the Revised Code, the adopted person, adoptive parent, adoptive family member, birth parent, birth sibling, or birth family member may submit the written request that otherwise would be submitted to the agency or attorney under division (B) of this section to the court, person, or other governmental entity that holds the records. On receipt of the request, the court, person, or other governmental entity shall provide the information that the agency or attorney would have been required to provide within a reasonable amount of time. The court, person, or other governmental entity may charge a reasonable fee for providing the information.

(D) Prior to providing nonidentifying information pursuant to division (B) or (C) of this section, the person or governmental entity providing the information shall review the record to ensure that all identifying information about any person contained in the record is deleted.

(E) An agency, attorney, person, or other governmental entity may classify any information described in division (B)(2) of section 3107.60 of the Revised Code as identifying information and deny the request made under division (B) or (C) of this section if the agency, attorney, court, person, or other governmental entity determines that the information could lead to the identification of the adoptive parent. This determination shall be done on a case-by-case basis.

Amended by 130th General Assembly File No. 56, SB 23, §1, eff. 3/20/2015.

Effective Date: 09-18-1996; 09-21-2006; 2008 HB7 04-07-2009 .

5101:2-48-20 Release of identifying and nonidentifying information.

(A) The assessor shall inform birth parents who enter into a voluntary surrender agreement that:

(1) Birth parents will be required to complete the JFS 01693, "Ohio Law and Adoption Materials" (rev. 5/2009) which will indicate their decision regarding the release of identifying information to the adopted person or adoptive parent. The JFS 01693 shall be signed at least seventy-two hours prior to the time the consent to the adoption is executed.

(2) Birth parents have the option, at any time or for as many times as they want, to reverse their decision regarding the release of identifying information by contacting the Ohio department of health (ODH) and requesting a copy of a denial of release form or a copy of an authorization of release form.

(3) Unless the birth parents have signed the denial of release of information on the JFS 01693, identifying information can be released to:

(a) The adoptive parent when the adopted person is under eighteen years of age and the adoptive parent submits a request to ODH.

(b) The adopted person when the adopted person is at least eighteen years of age and the adopted person submits a request to ODH.

(B) The assessor shall inform the adoptive parent(s) that when:

(1) The adopted person is under eighteen years of age, the adoptive parent can submit a request to ODH to request a copy of the contents of the adoption files which may include identifying information about the birth parents.

(2) The adopted person is eighteen years of age or older, the adopted person can submit a request to ODH to request a copy of the contents of the adoption files which may include identifying information about the birth parents.

(3) The adopted person is eighteen years of age or older, the adopted person can submit a request to ODH authorizing ODH to assist the adopted person's birth parents or birth siblings in finding the adopted person's name by adoption. The adopted person may alter this decision at any time or for as many times as the adopted person wants by submitting a request to ODH.

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(C) The public children services agency (PCSA) or private child placing agency (PCPA) shall provide the birth parent with the address for ODH to obtain instructions regarding the filing of authorizations.

(D) Upon written request, the PCSA or PCPA shall provide the following nonidentifying information to the adopted person age eighteen or older, an adoptive parent of an adopted person under age eighteen or an adoptive relative of a deceased adopted person:

(1) A birth parents' age at the time the birth parents' child was adopted.

(2) The medical and genetic history of the birth parents.

(3) The age, sex, and medical and genetic history of an adopted person's birth siblings and extended family members.

(4) The heritage and ethnic background, educational level, general physical appearance, religion, occupation, and cause of death of the birth parents, birth siblings and extended family members.

(5) Any information that may be included on the JFS 01616, "Social and Medical History" (rev. 6/2009).

(6) Any information that is not deemed as identifying information as defined in rule 5101: 2-1-01 of the Administrative Code.

(E) Subject to a determination made pursuant to division (E) of section 3107.66 of the Revised Code, the PCSA or PCPA shall provide, upon written request, the following nonidentifying information to the birth parent of an adopted person eighteen years of age or older, a birth sibling age eighteen or older or a birth family member of a deceased birth parent:

(1) An adoptive parent's age at the time of adoption.

(2) An adoptive sibling's age at the time of adoption.

(3) The heritage, ethnic background, religion, educational level and occupation of the adoptive parent.

(4) General information known about the well-being of the adoptee before and after the adoption.