



House Families and Aging Committee
Judge Laura Gallagher
Proponent Testimony on House Bill 5
November 13, 2024

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, I thank you for this opportunity to submit proponent testimony for Substitute House Bill 5 on behalf of the Ohio Association of Probate Judges.

I am Judge Laura Gallagher of the Cuyahoga County Probate Court, where I have served since 2009. I am the Past President of the Ohio Association of Probate Judges and Co-Chair of the Probate Law and Procedure Committee of the Ohio Judicial Conference. I also serve on the Subcommittee on Adult Guardianship under the Supreme Court's Advisory Committee on Children & Families and as Chair of the Monitoring Guardianships of the Estate Workgroup under the Supreme Court's Children & Families Section.

The Ohio Association of Probate Judges formed a Modernization Committee in 2018 to review, update and propose amendments to statutes under probate court jurisdiction. The Committee, made up of judges and magistrates with extensive experience in probate matters, met numerous times to review each section of the adoption statutes and submit recommendations to the legislature.

The last major overhaul of Ohio Revised Code Chapter 3107, the adoption statutes, occurred in 1996. These statutes need updating due to several significant decisions issued by the Supreme Court of Ohio, inconsistent interpretations of unclear statutory processes from county to county, and also practical considerations, such as unnecessary delay and costs associated with certain adoptions. Sub. H.B. 5's proposed changes conform the statute to the practicalities of administering adoptions. The new language includes necessary definitions to foster greater consistency in the hearing of adoption petitions. The recommendations clear up some gray areas and help streamline the process.

For example, under current law, international adoptions are processed inconsistently across Ohio. While all parents who adopt a child internationally are required to file a petition in their home county in order to obtain an Ohio birth certificate for their child, some counties require parents to essentially "re-adopt" their child as well. This process can be time-consuming, confusing and costly. Under Sub. H.B. 5, foreign adoption petitions which meet certain criteria to establish validity will be recognized without the time and expense of a second full adoption proceeding in Ohio.

Improving and streamlining the adoption process is also important for Ohio families. If you look at the Supreme Court statistical reporting, the data shows a slight decrease in the number of finalized adoptions over the past 10 years (a drop from 4231 completed adoptions in 2013 to 4068 completed in 2022). With the increasing number of children in need of foster and adoptive families, this is a trend that must be reversed. The OAPJ hopes this bill will create a more efficient adoption process that will reduce time and expenses. The inclusion of new definitions and streamlined procedures will help families navigate the

adoption process and will hopefully encourage more attorneys to consider practicing in this rich and rewarding area of law.

Lastly, I would like to note that the substitute bill being considered today was the product of extensive discussion and compromise with adoption attorneys and other interested parties over the last six months. On behalf of the OAPJ, I'd like to thank Representative Ray and Representative Baker for sponsoring the Adoption Modernization Act and for working with the probate judges and adoption attorneys to find common ground on many provisions in this bill. We thank the members of the Adoption Roundtable for working with us to create a stronger bill. Finally, we thank this Committee for the opportunity to testify in support of Sub. H.B. 5. I am available to answer any questions you may have.