

COURT OF APPEALS OF OHIO, TWELFTH DISTRICT

In re Adoption of K.C.K.

2026-Ohio-10 · No. CA2025-05-008 · Decided January 5, 2026

SUMMARY

The Ohio Twelfth District Court of Appeals affirmed the Fayette County Probate Court's determination that a biological mother's consent was required for her child's stepparent adoption under Ohio Revised Code section 3107.07(A). The court held that the mother had justifiable cause for insufficient contact during the relevant period and that post-petition evidence could be considered when it provided context for conduct during the statutory period.

CASE DETAILS

COURT	Court of Appeals of Ohio, Twelfth District
WRITING FOR THE COURT	Melena S. Siebert; Robin N. Piper, Presiding Judge; Mike Powell, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth District
DECIDED	January 5, 2026
DOCKET	CA2025-05-008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Stepmother appealed the Fayette County Court of Common Pleas, Probate Division's determination that Mother's consent was required for Stepmother to adopt K.C.K.
STANDARD OF REVIEW	The appellate court reviews the probate court's determination regarding whether parental contact or support met the statutory standard for abuse of discretion. It reviews the determination of justifiable cause under the manifest-weight-of-the-evidence standard.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Tracy Knisley, Stepmother v. Kendi Jordan, Mother

TOPICS

- adoption
- parental rights
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the probate court's finding that Mother had justifiable cause for failing to maintain more than de minimis contact with K.C.K. during the year preceding the adoption petition was against the manifest weight of the evidence.
2. Whether the probate court improperly considered evidence and juvenile-court proceedings occurring after the adoption petition was filed when determining whether Mother's consent was required under R.C. 3107.07(A).

HOLDINGS

1. The probate court did not err in finding that Mother had justifiable cause for her lack of contact during the year preceding the filing of the adoption petition. Mother's attempts to contact the child and to reinstate visitation through the juvenile court supported the finding, and the decision was not against the manifest weight of the evidence.
2. The probate court was not limited to evidence from the one-year statutory period and properly considered post-petition evidence because it provided relevant context for conduct occurring before the petition was filed.

KEY QUOTATIONS

"Therefore, under the plain language of the statute, even where a parent has failed to contact his or her child in the year immediately preceding the adoption petition being filed, or where a parent has failed to provide support and maintenance for his or her child during that one-year period, that parent's consent will still be required so long as there was a justifiable cause for that failure." (§ 16)

"After the petitioner has established the parent's lack of contact or support, the parent bears the burden of going forward with evidence to show a facially justifiable cause for the failure, although, the burden of proof remains on the petitioner." (§ 17)

FACTUAL BACKGROUND

K.C.K. was born in 2013, and custody was awarded to Father in 2018 while Mother retained visitation rights. Mother exercised supervised and later unsupervised visitation until June 2022, when Father and Stepmother discontinued visitation, citing concerns about Mother's mental health. Mother experienced psychiatric hospitalizations, attempted to contact the child, mailed a Christmas card, and later sought to reinstate parenting time through the juvenile court. Stepmother petitioned to adopt K.C.K., asserting that Mother's consent was unnecessary.

PROCEDURAL HISTORY

Stepmother filed an adoption petition alleging that Mother's consent was unnecessary because Mother had failed to maintain more than de minimis contact with K.C.K. and had failed to provide support during the preceding year. After a hearing, the probate court found that Mother had justifiable cause for her lack of contact and had

provided more than de minimis support, and therefore ruled that her consent was required. The Twelfth District affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Adoption of E.G.C., 2021-Ohio-4178, ¶ 12 (12th Dist.)
- In re L.C.W., 2015-Ohio-61, ¶¶ 10, 14 (12th Dist.)
- In re Adoption of C.E.S., 2020-Ohio-6902, ¶¶ 19, 29 (12th Dist.)
- In re B.N.S., 2020-Ohio-4413, ¶ 27 (12th Dist.)
- In re M.E.F., 2019-Ohio-1291, ¶ 12 (12th Dist.)
- In re M.G.B.-E., 2019-Ohio-753, ¶ 12 (12th Dist.)
- In re Adoption of J.F.M., 2016-Ohio-4823, ¶ 11 (12th Dist.)
- In re S.A.N., 2019-Ohio-3055, ¶ 8 (12th Dist.)
- In re Adoption of O.J.B., 2020-Ohio-4184, ¶¶ 10-12 (12th Dist.)
- In re Adoption of M.B., 2012-Ohio-236, ¶ 25 (12th Dist.)
- In re Adoption of A.L.S., 2018-Ohio-507, ¶ 16 (12th Dist.)
- In re M.G.B.-E., 2019-Ohio-753, ¶¶ 18-19 (12th Dist.)
- In re Adoption of J.M.M., 2021-Ohio-775, ¶ 25 (3d Dist.)
- In re Adoption of Holcomb, 18 Ohio St.3d 361, 368
- In re Adoption of C.A.L., 2015-Ohio-2014, ¶ 29 (12th Dist.)