

Copyright, Court, Adoption Laws and Where to Find the Records

By Constance H. Knox

[Video Link](#)

This handout accompanies the video, of the same name with guest Judy Russell, a.k.a. The Legal Genealogist.

Copyright

Can you download an image from another member tree? Judy Russell says “It depends!”. Old family photos from the 1800’s is out of copyright.

Late 1920 to present day, may be in copyright. The copyright is owned by the photographer. It is always best to ask for permission.

If it is a U.S. government photograph, such as an official soldier’s portrait in uniform, or something from any U.S. government entity, it can’t be copyrighted.

Assess the risk of being sued before uploading or publishing images or documents. Keep in mind, if you are uploading documents and images to any website, unless you have taken steps to copyright the image/document, the odds are you will not be able to control its use.



Public Domain

Public Domain is the legal status of not being copyrighted. If the copyright has expired or was never copyrighted to begin with, it is in public domain.



Copyright laws changed on January 1st, 2019. Items published 95 years or older are now in the public domain.

Anything created by a government employee, for the federal government is public domain.



Where to Find Court Records

FamilySearch.org is a good start. It is a free and open for anyone to use. You will need a free account to search the wiki.

Connie's Steps to Searching Court Records on FamilySearch

1. Go to [FamilySearch](#).
2. Using the map, drill into the location you wish to search.
3. On the right side you'll see Record Types, click on Court Records.
4. Scroll through to find the type of court record for the era you are searching.

Keep in mind, if you drill in too close to the area you are researching (such as a county or city) you may not find what you need, if the records have been moved or originated at the state level.

Ohio, United States Genealogy

United States → Ohio

Guide to **Ohio ancestry, family history, and genealogy** birth records, marriage records, death records, census records, family history, and military records.

This article is about the U.S. state. For other uses, see [Ohio \(disambiguation\)](#).

Ohio Information [edit | edit source]

Ohio is a state in the Midwestern portion of the United States. Ohio became a state on 1 March 1803, having been created from the Northwest Territory, and its capital is Columbus. It is divided into 88 counties. ^[1]

Getting Started [edit | edit source]

Getting Started with Ohio Research

Links to articles on getting started with Ohio research.

- [Guided Research](#)
- [Step-by-Step Ohio Research, 1880-Present](#)
- [How to Find Birth Records](#)
- [How to Find Marriage Records](#)
- [How to Find Death Records](#)
- [Research Strategies](#)

[Ohio Online Genealogy Records](#)

[Ask the FamilySearch Community](#)

Ohio Research Tools

Links to articles and websites that assist in Ohio research.

- [Ohio Record Finder](#)
- [Boundary Changes for Ohio Counties](#)
- [Ohio Archives and Libraries](#)
- [OHGenWeb](#)
- [Geographical Names Information System](#) - U.S. gazetteer of places, cemeteries and post offices in Ohio.

Ohio Wiki Topics



Beginning Research

- [Guided Research](#)
- [Research Strategies](#)
- [Record Finder](#)

Record Types

<ul style="list-style-type: none"> • Adoption • Bible Records • Biography • Cemeteries • Census • Church Records • Colonial Records • Correctional Institutions • Court Records • Directories • Emigration & Immigration 	<ul style="list-style-type: none"> • Military Records • Naturalization & Citizenship • Newspapers • Obituaries • Online Genealogy Records • Probate Records • School Records • Taxation • Vital Records • Voter
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Discover Who Holds the Court Records Today

Check with local libraries, genealogical and historical societies, family history centers, state archives, and lastly the county courthouse to learn where the records are located for who holds the records today for the place and time you are researching.

What Laws Existed When Our Ancestors Lived

Knowing what laws existed during our ancestors' lives can help us understand why they made the decisions they made. Do a time limited search for the laws, acts, and statutes for the time and place at these online locations.

- [CyndisList](#) has links for laws and statutes in various locations.
- [Google Books](#)
- [Internet Archive](#)
- [Hathi Trust](#)



Treatise

A Treatise is written by a lawyer or judge and is a guide explaining about an area of the law. Search the above for a treatise. Search for these in Google using the words "Treatise" and the area and subject you are looking for.

Adoption Records

Older Adoption Records

First laws regarding adoption didn't get passed until the 1850's in Massachusetts. Before then, adoptions were typically an unofficial by other family members who assimilated the child into their own family.

Beginning in the 1910's and to current day, records may be closed to protect the biological parents' privacy. There is a movement, with the advancement of DNA testing, to open more and more adoption records.

In some cases, you may find guardianship records for a child who inherited property. In that case, the courts were trying to protect the child's best interest by assigning a guardian to oversee the child's inheritance until he/she was of legal age to control their property.

Advice for Adoptees Today



AncestryDNA will likely provide the most DNA matches since they have over 20 million test takers. Ancestry does Autosomal DNA tests, which is the most common type of test today. It provides DNA results from both the

mother and father's side of the family. Know that these results can be downloaded from Ancestry and uploaded to other services, often for free or a minimal cost. Therefore, there is no need to purchase a test from all DNA services should you wish to expand your possible DNA matches across all DNA services.

FamilyTreeDNA is the most popular for doing Y-DNA testing which provides results for the father's line and mtDNA (mitochondrial) for the mother's line. These do require a separate purchase from any autosomal DNA test. I suggest you start with AncestryDNA and see your results, before investing in any other test.

Judy Russell's advice is to consider joining with adoption rights advocacy groups to help support having adoption records opened.



Are Decorative Marriage Certificates Legal?

In this video is this 1872 Marriage Certificate was used as an example. It is a decorative form filled out and given to the bride and groom for their records and keepsake.

Keep in mind that any marriage information is *evidence* of the marriage. Did the marriage actually happen? The legality is that the marriage information needed to be returned and recorded in the county courts to be “legal.”

Keep in mind that it may have been weeks or months for the minister to return to the courthouse to register those marriage that took place since his last visit. He may have been delayed due to a variety of reasons, such as weather impediments, illness, or even the need to bring the crops in from the field.

For genealogical purposes, while this is strong evidence (especially because it is signed by the minister), this is valid proof of the marriage that meets genealogical standards.

One should always seek the legal and or original documents whenever possible, in this case at the courthouse where the marriage occurred. However, sometimes those court records no longer exist, if for example, the courthouse burned down. Therefore, this would be the “best” evidence of the marriage.

Also know that ministers often carried a marriage registry of all the marriages he performed. This too could be the *best* or only evidence of the marriage. These registries might be found at the state archives or local courthouses, libraries, or online.

