

Pro Se Legal Filings

Disclaimer: This general statement of the law is not intended to give any specific legal advice, but merely to provide guidance on general provisions of the law. If you have specific questions about your situation, you are encouraged to consult with an attorney.

Caretaker Authorization Affidavit: This form, which is available at the end of this document, is a way to vest a Grandparent with legal authority to make certain decisions for a child for whom they are providing care. These include the ability to consent for and obtain medical care and the ability to enroll the child in school. This form is only to be used when the Grandparent is unable to secure the agreement of the parent(s) to the child residing in their home. This form must be completed as directed and filed with the Juvenile Court. There is no fee for filing the document. Once filed, the document is effective for one year, unless revoked in writing by the parent before that date. At the expiration of one year, the grandparent must either file for custody or file a request for an extension of the affidavit. If an extension is requested, the court will hold a hearing.

Grandparent Power of Attorney: This form is very similar to the Caretaker Authorization Affidavit. The only difference is that this form is used when the parent is available and willing to sign the document. It works exactly the same as the Caretaker Authorization Affidavit in all other ways including duration, ability to rescind and filing requirements.

****Please note.** With either of the above two types of documents, the juvenile court always has the authority to contact children services if it has concern that the placement proposed is not in the best interest of the child or children. The agency is required to investigate and provide the results of the same to the court. While almost all of these filings do not trigger this investigation, it is always possible.**

Complaint for Custody: This is a formal court proceeding brought against a parent or other legal custodian. It can be filed by any person with a relationship with the child. The only persons legally prohibited from filing this complaint is a parent whose parental rights to that child were permanently severed by a juvenile court. This document may be filed pro se, or without an attorney. All forms must be completed fully and accurately. There is a filing fee to file these in juvenile court, but that fee may be waived by the court in certain circumstances. Once you file this action, the court will schedule a hearing. The parents and any other persons with a legal custody interest with the child will be notified. You are responsible to prove to the court that the parent is “unfit.” It is not enough to just file the action and show up at court. If you are representing yourself, you are required to prove the parent unfit, unless the parent or parents agree that you should have custody and the court agrees as well. The court will consider evidence such as testimony regarding the child from yourself or other professionals as well as

evidence concerning faults or habits of the parent that make them unfit. In many cases, records or witnesses from children services will also help establish this. To review children services records, a specific order from the court is required. A subpoena is insufficient to accomplish this request. A subpoena to the person at children services you wish to attend a hearing must be filed and served upon the agency as soon as possible in advance of the hearing. The juvenile court has forms to complete to have a subpoena issued by the court.

If you provide sufficient evidence to the court, it may grant you either temporary or legal custody of a child or children. Temporary custody is exactly what it says, temporary and subject to further review. Legal custody is more long term in nature. Absent some change in circumstances, it will not be reviewed or modified by the court. A custody order from juvenile court gives you the right to make day to day decisions concerning the child in your care. Parents still retain the right to contact in most circumstances. The court may issue a visitation order or leave that to your discretion. Parents can always ask the court to review the visitation and modify it if they are not satisfied with their amount or frequency of contact. Parents also remain legally obligated to support their child. The court will issue a child support order against both parents based upon legal guidelines. There is no guarantee that they will pay this obligation, but it will be assessed by the court in almost every case.

If you are granted legal custody, you may qualify for a program funded by the State of Ohio called Kinship Permanency Incentive. This provides a cash payment at the time of application, and then every six months thereafter for a total of three years. This is a total of six payments. The initial payment is for \$450. The subsequent payments are in the amount of \$250. This program is dependent upon your income. Your household income must be below 300% of the federal poverty level. If you are granted legal custody, you may complete the application and submit it to the agency. The application can be found at the address below:

<http://www.odjfs.state.oh.us/forms/file.asp?id=401&type=application/pdf>

If this link does not work, go to the Tuscarawas County Job & Family Services website and click on the link. The link is located below the link for this document.