

Grandparents Visitation & Custody Rights



Do I have visitation rights for my grandchild?

Typically, parents have complete authority to grant or deny visitation to third parties. The law respects the parent's right to decide who the child may see, including grandparents and other relatives.

In Ohio, grandparents can receive court orders for visitation in three specific circumstances:

- 1.) When married parents end their marriage and separate.
- 2.) When a parent of a child is deceased.
- 3.) When the child is born to an unmarried woman. In that situation, the father's parents may request visitation only if paternity has been legally established.

NOTE: Visitation is only ordered in the above circumstances if the court decides it is in the best interest of the child.



How do I go about requesting visitation?

You must file a Complaint/Motion to Establish Visitation with the court. The court in which you file this action depends on the circumstances involved.

- If there is a prior case involving the child (like a divorce or paternity case), the motion must be filed in that court with that existing case number. The motion may be filed while the proceeding is pending or after a decree or final order is issued.
- If the parents of the child are unmarried or one of the parent's is deceased, and there is no prior case, then the complaint must be filed in the Common Pleas Court (domestic relations division) in the county where the child lives.



What happens if the judge grants me visitation but the child's parent still refuses to let me visit?

You can enforce a visitation order by filing a contempt motion with the same court that granted you the original visitation order.



How do I obtain custody of a grandchild?

A grandparent may file a Complaint or a Motion for custody of a grandchild. Courts recognize that biological parents have a paramount interest in the care, custody, and control of their child. Before a court can award custody to a non-parent, the court must first decide that the parents are "unfit" or "unsuitable." Once the court has made a finding that the parent is "unfit" or "unsuitable," the court will then review whether it is in the best interest of the child for custody to be granted to the grandparent.

Ohio also has created Kinship Power of Attorney affidavits and Caretaker affidavits to allow a grandparent to care for a grandchild without filing a custody action.



If your local Public Children Services Agency (PCSA) has filed a case in the court and you want the child to be placed with you, you should contact your local agency and ask to be considered for placement AND file a Motion for Custody with the Court prior to the disposition hearing (held 90 days after the PCSA files their case in court). Even if your local PCSA does not place the child with you, you still have the right to file the Motion and ask the Court to consider you as a legal custodian for the child.

My grandchild lives with me. Can I get child support?

You have the right to seek a paternity determination and child support for your grandchild if:

- You are the parent of an unmarried minor (under the age of 18) who has their own child; *and*
- Both your minor child and your grandchild lives with you and are being supported by you. To request child support for your grandchild, you should do one of the following:
 - Ask your county's child support enforcement agency to bring a paternity/child support action on your behalf.
 - File a request for a paternity determination and child support in your county's Juvenile Court.

NOTE: Please know that the child support you request might come from the child's other set of grandparents.

You may have the right to request a child support order if you are caring full-time for a child or have legal custody. The amount of child support the child's parents will be ordered to pay depends on both the parents' ability to pay and the needs of the child. You can apply for services at your local Child Support Enforcement Agency.

**The information on this flyer is not legal advice.
If you are seeking representation or legal advice, please contact LASC or SEOLS.
An attorney-client relationship does not exist between you and LASC or SEOLS.**

Contact for Services: Intake line: 1-844-302-1800

www.columbuslegalaid.org

www.seols.org

LASC provides services in Central Ohio and has offices in Columbus and Marion.

SEOLS provides services in thirty-four counties in Southeastern Ohio and has offices in Athens, Chillicothe, New Philadelphia, Newark, Portsmouth, and Steubenville