

Union County Court of Common Pleas, Juvenile Division

215 West Fifth Street

Marysville, Ohio 43040

Phone (937) 645-3029 Ext. 3186

Email juvenilecourt@unioncountyohio.gov

FILING CHECKLIST

Non-Parent Complaint for Custody

(Parental Rights and Responsibilities)

This guide addresses original actions by a non-parent (*i.e.*, grandparent, family member or other person) to seek legal custody of a child, to designate the child's place of residence, to allocate parental rights and responsibilities (including child support), to establish orders regarding parenting time (visitation) and/or companionship time (visitation for non-parents).

To be awarded custody, the non-parent complainant must prove:

- (1) Parental abandonment, contractual relinquishment of custody, a total inability to provide care or support, and/or that the child's natural parent(s) is/are otherwise unsuitable such that an award of custody to the parent(s) would be detrimental to the child *In re Perales*, 52 Ohio St.2d 89, 369 N.E.2d 1047 (1977) and
- (2) An award of legal custody to the non-parent is in the best interest of the child. R.C. [3109.04\(F\)](#).

Note: Matters in which a non-parent seeks legal custody (and related orders) of a child are legally complex. The Court strongly advises parties to seek representation by a licensed attorney.

1. Prepare, gather and file all the following:

- [Non-Parent Complaint for Legal Custody](#) (a Local Form).
- Parenting Proceeding Affidavit** (R.C. 3127.23(A)) ([SCO Uniform Domestic Relations Affidavit 3](#))
- Health Insurance Affidavit** ([SCO Uniform Domestic Relations Affidavit 4](#))
- Application for Child Support Services** (IV-D) – ([JFS 07076](#))
- Proof of the child's paternity.** File a certified copy of the **Child's Birth Certificate**. If a birth certificate is not available or paternity was never established, request an **Administrative Order – Establishment of Paternity** (available from any Ohio Child Support Enforcement Agency or call the Union County CSEA at (937) 644-1010). When the order is issued, file a certified copy with the Court.
- Certified copies of any *other* court's orders** that addressed the (each) child's custody, child support or the status of the parents as to the child. **Note:** If the non-parent was not a party to that action, the other Court may require the non-parent to file a Motion to Intervene in that matter and be named a party to receive a certified copy of such orders.
- Request for Service** ([SCO Uniform Domestic Relations Form 31/Juvenile Form 10](#)). State the current address of any person to be served and indicate method of service (certified mail or personal service completed by Sheriff). *Additional deposit for service costs shall be prepaid.*
The parties who must be served with summons and notice of the action are:
 1. The non-parent(s) filing the complaint, and
 2. Both of a child's living parents, unless a Court has issued orders that divested one or both parents of their rights to the child; or
 3. The subject child's current legal custodian(s), as determined by any prior Court order.

NOTICE

This information is provided for the benefit of unrepresented litigants as a public service of the Union County Juvenile Court and is not legal advice. The Union County Juvenile Clerk's Office, available by phone at (937) 645-3029 during normal business hours, will assist as permitted but cannot provide legal advice. Questions about the process, legal significance or effect of these proceedings should be directed to a licensed attorney.

Attorneys are required to eFile:
eservices.co.union.oh.us/eservice

The Court will inform the filer if service fails (*i.e.*, refusal, unclaimed, no longer at address, etc.). The filer should *respond immediately* to avoid dismissal: file a new [Request for Service](#), request an alternate method of service and/or provide an updated address. *Additional deposit for service costs shall be prepaid if service must be reissued.*

2. **File** all the **original forms and documents** with the Court and submit as many **copies** of those same documents as there are persons to be served. For example, if two parents will be served, in addition to the original documents to be filed with the court, bring three (3) copies of all documents: one for the filer, and one for each parent.
3. **Pay the Initial Deposit** for Court Costs. Final costs will be apportioned at the conclusion of the case, though the additional deposits may be required or ordered.

Contested Matters\$115.00 Initial Deposit

Litigants: Payment is accepted by personal check, cashier's check, credit/debit card (convenience fees will apply), and cash. Do not mail cash. Tender cash in person in the Clerk's Office during normal business hours.

Attorneys: Payment is accepted by credit/debit card (convenience fees will apply) through the ECF.

After all forms are filed and service upon all parties is complete, the Court will issue notice of the scheduled court dates. Attend all court dates. Failure to attend may result in dismissal. If your address changes at any time, notify the Court in writing.

Is the Union County Juvenile Court the right place to file?

An original complaint for non-parent custody can be filed in the Union County Juvenile Court if **ALL the following are true:**

1. Ohio is the child's **home state**, therefore the child has been living in Ohio with a parent or a person acting as a parent for at least six (6) consecutive months prior to the commencement of the action.

[R.C. 3127.15](#)

2. The child was **born to unwed parents** and the parents remain unmarried to each other, or if the parents were ever married, no orders exist as to custody or support regarding this child or another child with the same parents. [R.C. 2151.233](#)

Note: if the child's parents are/were married, and/or custody and support orders exist, the action for custody must be filed in Domestic Relations court.

3. No proceedings involving the child are currently open in any other Ohio court.

Note: If a proceeding involving the child is currently open in any other Ohio court, the non-parent must intervene and file their complaint and/or pleadings in that proceeding.

4. No other Ohio court has previously issued orders that determined the child's paternity, designated a legal custodian, allocated parental rights and responsibilities (including child support) and/or established a parenting time (visitation) schedule, but if so, **that matter is final (closed)**.

Note: if the Union County Juvenile Court previously issued such orders, see this Court's filing checklist titled [Non-Parent Motion for Change of Custody](#).

5. As to the child's **residence in Union County**, either:

- a. the subject child is currently found or was last known to be found in Union County [R.C. 2151.27\(D\)](#); or
- b. the subject child's mother (if child was born to unwed parents), legal guardian or custodian (if a prior court order designated the custodian as a parent or non-parent), is a resident of Union County. [R.C. 2151.06](#).

Online Resources

Supreme Court of Ohio Standardized Forms

<https://www.supremecourt.ohio.gov/courts/services-to-courts/children-families/dom-rel-juvenile-forms/>

Union County Juvenile Court Local Rules, Checklists and Forms

https://www.unioncountyohio.gov/departments/Probate_Juvenile_Court/juvenile-court-forms