

Union County Court of Common Pleas, Juvenile Division

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Marysville, Ohio 43040

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FILING CHECKLIST

Non-Parent Motion for Change of Custody

(Parental Rights and Responsibilities)

This guide addresses actions by a non-parent (*i.e.*, grandparent, family member or other person) to intervene in a custody matter that was previously decided by the Union County Court of Common Pleas, Juvenile Division, and 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 movant must file a motion to intervene and a motion to reallocate parental rights and responsibilities, and 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 that parties seek representation by a licensed Ohio attorney.

1. Prepare, gather and file all the following:

- Motion to Intervene** (a Local Form). File this motion if the non-parent was not a party to the original case. If granted, request a certified copy of the last Final Appealable Order as to parental rights and responsibilities granted with this Court. Choose either the [“In the Matter of” motion](#) or [“Versus” motion](#), depending upon how the case was originally styled.
- Non-Parent Motion for Change of Parental Rights and Responsibilities** (a Local Form). Choose either the [“In the Matter of” motion](#) or [“Versus” motion](#), depending upon how the case was originally styled.
- 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](#))
- A **certified copy** of the last Final Appealable Order issued by the Union County Juvenile Court.
- Certified copies of any other court’s orders** that addressed the child(ren)’s custody, child support or the status of the parents as to the child(ren) *after* the Union County Juvenile Court’s last 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/eservices

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 motion, 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.

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 \$115.00** as a deposit for **Court Costs**. Final costs will be apportioned at the conclusion of the case. Additional deposits may be required or ordered during the duration of the matter.

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?

A non-parent may file a motion to modify a prior custody order issued by the Union County Juvenile Court if **ALL the following are true:**

1. The Union County Juvenile Court issued the last controlling orders to allocate the rights and responsibilities as to the child.
Note: If another Court issued orders *after* the Union County Juvenile Court's order, the non-parent must intervene and either proceed before that Court or request that Court to transfer the case to the Union County Juvenile Court, unless that case is final and that Court terminated its jurisdiction over the child.
2. 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](#)
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. 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 current legal guardian or custodian 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