

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Termination of Parental Rights

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

Background

The 14th Amendment of the U.S. Constitution guarantees parents substantial rights regarding their children.¹ Among those rights are the right to custody, and for non-custodial parents the right to visitation. Indeed, Ohio courts have described the termination of parental rights to be akin to a “death sentence,” which among a number of consequences entitles that parent to have legal counsel, including the appointment of a public defender in a legal proceeding regarding the termination of parental rights. Moreover, a parent has a duty to support his or her children. Finally, the termination of parental rights affects the child’s right to have a parent and the child’s right to be supported by a parent.

In Ohio, the only time parental rights (and duties) may be terminated are two situations. Those two situations are (1) a public agency seeking permanent custody where the child(ren) suffer from abuse, neglect, or dependency and (2) adoption. The termination of parental rights may result from involuntary action or voluntary action by the parent.

Involuntary Termination of Parental Rights

- Permanent Custody Proceeding. Parental rights may be involuntarily terminated by a court order if a government agency files a motion requesting permanent custody under R.C. 2151.413. The primary basis of the proceeding is that the child(ren) are abused, neglected, or dependent, which

¹ *Troxell v. Granville*, 530 U.S. 57, 120 S. Ct.2054, 147 L.Ed.2d 49 (2000)

must be proved by “clear and convincing” evidence. In Geauga County typically that agency is Job and Family Services (“JFS”).²

- Adoption. Where a suitable adult desires to adopt the child(ren) the Court may grant the adoption without the consent of the noncustodial parent as provided for in R.C. 3107.07. Essentially, the Court must find that “by clear and convincing evidence” that the parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor as required by law or judicial decree for a period of at least one year immediately preceding either the filing of the adoption petition or the placement of the minor in the home of the petitioner.”
- Right to Counsel. In either case, if the noncustodial parent is indigent, then upon request by an indigent parent the Court must appoint an attorney to represent that parent.³

Voluntary Termination of Parental Rights

- Permanent Custody Proceeding. If JFS files a motion for permanent custody under R.C. 2151.413, then under certain circumstances, the parent may enter into a court-approved “voluntary” surrender of parental rights provided that the Court determines such termination is in the best interest of the child(ren).
- Adoption. Again, where a suitable adult desires to adopt the child(ren) the Court may grant the adoption if the parent voluntarily waives the parental rights. To protect that parent, either an adoption agency or an attorney must be involved, and carefully inform that parent of the consequences of the waiver.

LEGAL PRACTICE IN THE JUVENILE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT’S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY JUVENILE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.

² The termination of the parent-child relationship can occur only if a public child services agency (e.g., Geauga County Job & Family Services) files a Motion Requesting Permanent Custody under R.C. 2151.413 and the Court holds a hearing under R.C. 2151.414.

³ In a JFS permanent custody proceeding, the right to counsel for an indigent parent is required by R.C. 2151.352. In an adoption proceeding, the right to counsel for an indigent parent is required by *In re Adoption of Y.E.F.*, 163 Ohio St. 3d 251, 2020-Ohio-6785.