Rev. 8-5-25

COURT OF COMMON PLEAS PROBATE / JUVENILE DIVISION
GEAUGA COUNTY, OHIO - JUDGE TIMOTHY J. GRENDELL
Courthouse Annex, 2nd Floor 231 Main Street, Suite 200
Chardon, Ohio 44024
Telephone No. 440-226-4446
Fax Probation: 440-375-6811 Fax Court: 440-375-6810

COURT POLICY REGARDING COURT EMPLOYEES PROVIDING LEGAL ADVICE

Ohio law and Codes of Conduct prohibit court employees, including deputy clerks, Resource Center staff, and Help Center staff from providing legal advice.

Deputy clerks may review paperwork that you present for filing to determine whether you have: (i) provided all required information, including required names, initials, and addresses, (ii) signed where required, and (iii) filed all paperwork, required by law, including the local court rules, such as required affidavits or instructions for service.

However, Deputy Clerks cannot tell you whether the paperwork that you present to the Clerk's Office, or the content of that paperwork, is adequate to satisfy your needs or intentions or satisfies all legal requirements, including the local court rules.

If you need legal advice, you should contact your attorney, otherwise call the Geauga County Bar Association at 440-286-7160 or the Legal Aid Society of Cleveland at 888-817-3777.

Help Center - The Court has established a Help Center. While the Help Center staff cannot provide you with legal advice, if you are not represented by an attorney, then the Help Center can assist you by providing general legal information and providing access to legal forms. A deputy clerk or Resource Center staff can give you additional information concerning the Help Center.

RESOURCE CENTER
INSTRUCTION SHEET FOR PRO SE FILINGS
[Custody]
[For Nonparent Use – Complaint]

WARNING

This Instruction Sheet provides you with a brief overview of the subject matter. It may not provide you with all the information that you require to be fully informed of the law that is applicable to your case. While the Resource Center can provide you with a limited amount of information, the Resource Center cannot provide you with legal advice, and this Instruction Sheet is not intended to provide you with legal advice that is applicable to your case. You must decide how to best use the information and instructions provided without the benefit of legal advice unless you retain an attorney.

Background - The Resource Center cannot provide you with any legal advice regarding the selection or preparation of legal forms. The Court's Help Center offers a few legal forms and information sheets for your consideration, which are included in this package. Before selecting, completing, and filing the legal forms offered to you in this package, the Resource Center recommends that you first seek legal advice from an attorney of your choosing or seek assistance from the Court's Help Center.

This package includes a Complaint. The primary purpose of this Complaint is for a Nonparent to obtain custody of a child(ren) or companionship time in the alternative. A Complaint should be selected if there is no legal proceeding in this Court regarding the minor child. If this Court already has a legal proceeding concerning the minor child, no matter how long ago that legal proceeding was initiated, then a Motion should be selected.

General Instructions

1. All forms must be typed or completed with blue or black ink, and the printing must be legible.

2. The Complaint offered in this package are intended for a Nonparent who has an interest in a minor child and seeks a custody order. If you are a Parent and you decide to file a Complaint regarding custody, then the Resource Center has another package for a Parent.

3. Certain documents must be notarized. Do not sign any document that must be notarized unless you are signing before a notary, including a deputy clerk, who is authorized to serve as a notary.

4. Do not present for filing any document in this package without first presenting to a deputy clerk (1) a government-issued photographic identification (e.g., a current driver's license or passport), and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card).[1]

[1] Rule 10 of the Geauga County Juvenile Court Local Rules.

5. Be prepared to pay a court cost deposit, which will not exceed $100. A deputy clerk will accept cash, personal check, or credit card. If you are an "indigent," then you may not be required to pay the court cost deposit. In that case prepare and file the Financial Disclosure Form (ODP-206R), together with the Complaint. A deputy clerk can supply you with that form.[2]

The Forms

1. **Complaint** – Form GC Juv 024 (Complaint for Custody and Child Support), if the Nonparent seeks a custody order.

   Key Notes

   - DO NOT insert a minor child's name in the Complaint. Only insert the child's initials where appropriate. You will provide the Court with the minor child's name and other pertinent information by preparing and filing a confidential document as explained below.

   - **Emergency Order** – If you want the Court to issue an emergency custody order, then in paragraph 10 of GC Juv 024 (Complaint for Custody and Child Support), in the first item, be sure to check the box requesting an emergency order and the type of order.

2. **CONFIDENTIAL INFORMATION** – Form GC JF 5.0 (Disclosure of Confidential Child Information).

   Key Notes

   - The purpose of this form is to keep confidential the identity of a minor child. Accordingly, this form is not a public record and will be kept in a separate confidential file.

3. **IDENTITY OF NECESSARY PARTIES** - Form GC JF 5.1 (Identity of Necessary Parties).

   Key Notes

   The purpose of this form is to inform the Court of all necessary parties that are required by Juv. R. 2(Y). Necessary parties include the parents of minor child(ren) and if applicable (1) a guardian of the child(ren), (ii) a legal custodian if the child(ren) are not living with a parent, (iii) a guardian ad litem, and possibly other persons.

4. **JURISDICTON AFFIDAVIT** – Form GC JF 1.0 (Jurisdiction Affidavit).

   Key Notes

   - The purpose of this form is to alert the Court to other legal proceedings concerning the minor child, whether the legal proceeding is in another Ohio court or that of another State. Ohio law and the Court's Local Rules require that this form be prepared and filed whenever a new legal proceeding is initiated in this Court.

[2] Rule 5 of the Geauga County Juvenile Court Local Rules.

5. **INSTRUCTIONS FOR SERVICE** - Form GC JF 7.0 (Request for Service).

   Key Notes

   - A deputy clerk must provide all persons, who have a direct interest in the matter and the minor child,[3] a summons and copy of the Complaint. Those persons should be identified either in (i) form GC JF 5.0 (Disclosure of Confidential Child Information) or (ii) paragraph seven of the Complaint. This form must be prepared and filed in order to give the deputy clerk the necessary information and directions.

   - If the address of an interested person is unknown, then you must arrange for that person to be notified by "publication" of the summons and a copy of the Complaint.

     - Form GC JF 3.1 (Affidavit for Service by Publication) – you must prepare and file this form together with Form GC JF 7.0 (Request for Service) if the address of an interested person is unknown. If you select publication by the Court's website, then prepare the top portion (including the person's name and last known address) of form GC JF 3.2A – Court's Website Publication Notice. The clerk will insert the hearing information.

     - Note that at the bottom of Form GC JF 3.1 (Affidavit for Service by Publication) you must select whether "publication" should be made by newspaper or by the Court's website. Newspaper publication will have a significant cost while website publication does not.

     - If you select newspaper publication, then you must prepare and file Form GC JF 3.2 (Instructions for Service by Newspaper Publication).

6. **ALLEGATION AFFIDAVIT** – Form GC Juv 038 (Affidavit)

   Key Notes

   - If you are requesting in the Complaint that the Court issue an emergency (ex parte) custody or companionship time order, then you should prepare and file with the Complaint an affidavit that sets forth specific facts, which support your allegation that there is an emergency regarding the minor child and thus the Court should issue an immediate emergency order.

Help Center Information Sheets

Before preparing and filing any pleading or other documents with the Court, you should read the following Help Center Information Sheets that may be applicable, which can be obtained from the Court's website, the Resource Center, or the Help Center.

- Nonparent Rights
- Child Support
- Jurisdiction of Ohio Juvenile Courts
- Temporary Emergency Jurisdiction

[3] Again, see Rule 2(Y) of the Ohio Rules of Juvenile Procedure.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO

In Re: _____ Case No. _____
A Minor

I.D. No. _____

COMPLAINT FOR CUSTODY AND CHILD SUPPORT

Filed by: _____ and _____

The Child(ren)

1. This court proceeding concerns the minor child(ren), whose initials are set forth above and whose name, date of birth, and current address are described in a separate confidential document filed with the Court, (the "Children.").

Jurisdiction

2. Select One:

☐ The Child(ren) has/have lived with a parent or a person acting as a parent in Ohio for at least six months before the filing of this pleading and thus Ohio courts have jurisdiction under R.C. §3127.15(A). Juvenile court has jurisdiction under R.C. §2151.23(A)(2).

☐ Other:

Venue

3. Geauga County is the county in which the child(ren) who is the subject of the complaint is found or was last known to be.

Other Facts

4. I am/we are related to the Child(ren) as follows: _____

5. _____ is the mother of the Child(ren) and is unsuitable as a parent for the following reasons:

6. _____ is the father of _____ and is unsuitable as a parent for the following reasons:

7. Other:

8. The court order requested below is in the best interest of the Child(ren).

Request

9. I/we request that this Court (select as applicable):

☐ Grant me/us an emergency order (i.e. ex parte order) regarding child custody because the best interest and welfare of the Child(ren) require immediate issuance. The facts supporting this request are set forth in the attached affidavit.

☐ grant me/us legal custody of the Child(ren);

☐ grant me/us temporary legal custody of the Child(ren);

☐ determine the father and child relationship

☐ order one or both of mother and father, as appropriate, to pay to me/us an appropriate amount of child support; determine who should provide private health insurance coverage; determine who should pay non-insured health care expenses; and allocate the child tax credit.

☐ order one or both of mother and father, as appropriate, to pay to me/us temporary support of the Child(ren);

☐ Other:

10. I/we seek such additional relief as the Court determines appropriate in law or in equity.

_____	_____
Your Signature	Your Signature
_____	_____
Print Name	Print Name
_____	_____
Street	Street
_____	_____
City, State, Zip	City, State, Zip
_____	_____
Your Telephone Number	Your Telephone number

State of Ohio

County of Geauga

Sworn to or affirmed and subscribed before me by _____ ,and _____

this ____ day of _____, 20____.

_____

Notary Public

MEMORANDUM IN SUPPORT
[Juvenile Rule 19]

1. Ohio is the Home State for determination of child custody under R.C. §3127.15(A) and for determination of child support as defined in R.C. §3115.102.

2. This Court has exclusive original jurisdiction to determine child custody under R.C. §2151.23(A)(2).

3. This Court has exclusive original jurisdiction to determine child support under R.C. §2151.23(A)(11) and R.C. §2151.231.

4. Venue in this Court is proper under R.C. 2151.27(D) and Juv. R. 10(A).

5. This Court may exercise its jurisdiction to determine child custody and parenting time under R.C. §2151.23(F)(1) and accordance with R.C. §3109.04.

6. This Court may exercise its jurisdiction to determine child support under R.C. §2151.23(F)(2) and R.C. §2151.231; and accordance with R.C. §3109.05 and R.C. Chapter 3119.

7. "Although the juvenile court has jurisdiction over both private custody cases and cases initialed by children's services agencies (i.e. Geauga County Job & Family Services), its jurisdiction over the former is based on R.C. 2151.23(A)(2), and the latter on R.C. 2151.23(A)(1)," *In re Trowbridge*, 2004-Ohio-2645.

8. *Troxel v. Granville*, 530 U.S. 57, 120 S. Ct.2054, 147 L.Ed.2d 49 (2000), recognized that a parent has a "fundamental liberty right" that is guaranteed by the 14th Amendment to determine the custody, care, and nurturing of a child. See also *Harrold v. Collier*, 107 Ohio St.3d 44, 2005-Ohio-5334, 836 N.E.2d. 1165 regarding *Troxel*, and its applicability to R.C. 3109.11 and 3109.12 and *In re Hockstok*, 98 Ohio St.3d 238, 781 N.E.2d 971 (2002). "Nevertheless, a parent's paramount right to custody of his or her children is not unlimited. . . . If a parent is unsuitable, the parent forfeits his or her paramount right to custody." See In re J.R.A., 2014-Ohio-4463 [4th App. Dist.].

9. Unsuitability of a parent is established if (1) the parent has abandon the child, (2) has contractually relinquished the child, (3) the parent is totally incapable of supporting or caring for the child, or (4) an award of custody would be detrimental to the child – See *In re Perales*, 52 Ohio St. 2d 89, 98 (1977); and In re H.J.H., 2019-Ohio-116.

10. " . . . a custody decision made under R.C. 2151.23(A)(2) does not require a preliminary finding that the child is abused, neglected, or dependent and is based on a lesser standard of proof—preponderance of the evidence rather than clear and convincing evidence." See *In re J.R.A.*, 2014-Ohio-4463 [4th App. Dist.]

11. R.C. 2151.234 grants a juvenile court jurisdiction to determine custody if the parents are married provided that the parents relinquished custody to the custodian pursuant to a "kinship care agreement."

12. The phrase "detrimental to the child" is not defined by the Revised Code, but for an award of custody to a parent to be detrimental to a child, there must be serious problems with the unsuitable parent. *In re R.J.E.*, 2017-Ohio-886 (11th App. Dist.); *In re C.V.M. Jr.*, 2012-Ohio-5514 (8th App. Dist.).

13. If the parents are "unsuitable" a nonparent may be awarded custody of a minor child. See *In re Perales*, 52 Ohio St.3d 89, 369 N.E.2d 1047 (1977); *Massitto v. Masitto*, 22 Ohio St. 3d 63, 488 N.E.2d 857 (1986); *In re Hockstok*, 98 Ohio St.3d 238 at 241, 244 (2002); and *In re H.J.H.*, 2019-Ohio-116 (5th App. Dist.).

14. R.C. 2151.231 permits the Court to grant child support to a person having custody of a minor child, including a request for a paternity determination.

15. A court may use the past conduct of a parent to predict future conduce. *In re Bishop*, 36 Ohio App.3d 123*; In re E.B.*, 2014-Ohio-5764 (11th App. Dist.)

16. A trial court enjoys broad discretion in custody proceedings because "custody issues are some of the most difficult and agonizing decisions a trial judge must make." *Davis v. Flickinger*, 77 Ohio St.3d 415, 418, 1997-Ohio-260, 674 N.E.2d 1159. A trial court's custody determination will not be disturbed unless the court abused that discretion. *Miller v. Miller*, 37 Ohio St.3d 71, 74, 523 N.E.2d 846 (1988). An "abuse of discretion" connotes that the court's attitude is "unreasonable, arbitrary, or unconscionable." Blakemore v. Blakemore, 5 Ohio St.3d 217, 219, 450 N.E.2d 1140 (1983); Booth v. Booth, 44 Ohio St.3d 142, 144, 541 N.E.2d 1028 (1989).

17. See *C.V.M. Jr.*, 2012-Ohio-5514 (8th App. Dist.) – "The 'suitability' test is different from the "best interest" test. A pure "best interest" test looks totally to the best situation available to the child and places the child in that situation. *Thrasher v. Thrasher*, 3 Ohio App.3d 210, 213, 444 N.E.2d 431 (9th Dist.1981). The Perales test, however, requires that some detriment to the child be shown before he is taken away from an otherwise suitable parent. Id. Unsuitability does not necessarily connote some moral or character weakness. *Perales* at 99. Simply because one situation or environment is the "better" situation does not mean the other is detrimental or harmful to the child. *In re Porter*, 113 Ohio App.3d 580, 589, 681 N.E.2d 954 (3d Dist.1996). Moreover, while the welfare of the child is a primary

consideration, the right of parents to raise their own child is an essential and basic civil right; natural parents have a paramount right, as against third parties, to custody of their children. *In re Pryor*, 86 Ohio App.3d 327, 334, 620 N.E.2d 973 (4th Dist. 1993); *In re Murray*, 52 Ohio St.3d 155, 157, 556 N.E.2d 1169 (1990)."

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO

In Re: _____ Case No. _____
A Minor

I.D. No. _____

DISCLOSURE OF CONFIDENTIAL CHILD INFORMATION

Judge Timothy J. Grendell

Filed by: _____

The following is **CONFIDENTIAL** information concerning the identity of Child(ren), who are identified in this court proceeding by their initials, and the parents.

1. Initials: _____ Child's Name: _____ D.O.B. _____
   Child's Address: _____ Custodian _____
   Father is: _____ D.O.B _____ Paternity Established ☐ Yes ☐ No
2. Initials: _____ Child's Name: _____ D.O.B. _____
   Child's Address: _____ Custodian _____
   Father is: _____ D.O.B _____ Paternity Established ☐ Yes ☐ No
3. Initials: _____ Child's Name: _____ D.O.B. _____
   Child's Address: _____ Custodian _____
   Father is: _____ D.O.B _____ Paternity Established ☐ Yes ☐ No
4. Initials: _____ Child's Name: _____ D.O.B. _____
   Child's Address: _____ Custodian _____
   Father is: _____ D.O.B _____ Paternity Established ☐ Yes ☐ No
5. Initials: _____ Child's Name: _____ D.O.B. _____
   Child's Address: _____ Custodian _____
   Father is: _____ D.O.B _____ Paternity Established ☐ Yes ☐ No

Mother is: _____ D.O.B. _____

Dated: _____ _____
Signature

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO

In Re: _____ Case No. _____
A Minor

I.D. No. _____

IDENTITY OF NECESSARY PARTIES Judge Timothy J. Grendell

Having made a good faith effort to determine those persons (other than a child) who are necessary parties to this matter as defined by Juv.R. 2(Y), their current contact information and relationship to the child(ren), the undersigned states that the following are necessary parties:

1. Name: _____ Relationship: _____
   Address: _____ Tel. _____

2. Name: _____ Relationship: _____
   Address: _____ Tel. _____

3. Name: _____ Relationship: _____
   Address: _____ Tel. _____

4. Name: _____ Relationship: _____
   Address: _____ Tel. _____

5. Name: _____ Relationship: _____
   Address: _____ Tel. _____

6. Name: _____ Relationship: _____
   Address: _____ Tel. _____

Dated: _____ _____

_____
Print Name

Attorney Reg. No. _____

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO

In Re: _____ Case No. _____ I.D. No. _____
A Minor

Judge Timothy J. Grendell

JURISDICTION AFFIDAVIT [R.C. § 3127.23(A)]

INSTRUCTION: Insert the following information for each minor child for which the custody and visitation is to be determined by this Court. While this case is pending, you must promptly inform the Court of any parenting proceeding in any other court, in this or any other state, concerning these minor children. Use addition sheets if needed.

INSERT INFORMATION REGARDING MINOR CHILD(REN) FOR THE LAST FIVE YEARS.

1. Initials: _____ Place of Birth: _____
Date of Birth: _____ Sex ☐ Male ☐ Female

Period of Residence	Person with whom Child lived (name and address)	Relationship
_____ to Present	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____

☐ By checking this box, no need to insert the same time and address information provided above.

2. Initials: _____ Place of Birth: _____
Date of Birth: _____ Sex ☐ Male ☐ Female

Period of Residence	Person with whom Child lived (name and address)	Relationship
_____ to Present	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____

☐ By checking this box, no need to insert the same time and address information provided above.

Initials: _____ Place of Birth: _____

Date of Birth: _____ Sex ☐ Male ☐ Female

Period of Residence	Person with whom Child lived (name and address)	Relationship
_____ to Present	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____

1. I ☐ have ☐ have not - participated as a party, a witness, or in any other capacity in any other proceeding, in this state or any other state, concerning the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child including any designation of parenting time rights and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of or visitation with the same child.
   Please explain if you have participated – providing in each proceeding (1) the type of case, (2) the court and state, (3) the date of any order or judgment, and (4) the names of minor children involved.

2. I ☐ have ☐ have no - knowledge of any proceedings, in this state or any other state, that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as an abused, neglected, or dependent child, proceedings seeking termination of parental rights, and adoptions.
   Please explain if you have such knowledge – providing in each proceeding (1) the type of case, (2) the court and state, (3) the date of any order or judgment, and (4) the names of minor children involved.

3. I ☐ have ☐ have no - knowledge of any person who is not a party to the proceeding and has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child and, if so, the names and addresses of those persons.
   Please explain if you have such knowledge – providing in each instance (1) the name, address, and relationship of such person, (2) whether such person claims custody or visitation rights, and (3) name of each minor child with respect to each such person.

☐ The health, safety, or liberty of me and the child(ren) would be jeopardized by the disclosure of identifying information, and thus I request that the Court seal and not disclose the information in accordance with R.C. 3127.23(D).

I, _____, swear and affirm that I have read this affidavit. To the best of my knowledge and belief, the facts and information stated in this affidavit are true, accurate, and complete. I acknowledge that if I do not tell the truth, I may be subject to penalties for perjury.

State of Ohio
County of Geauga

_____
Your Signature

Sworn to and subscribed before me by _____ this _____, 20___.

_____
Notary Public

Court of Common Pleas
Juvenile Division
Geauga County, Ohio

In Re _____ Case # _____

REQUEST FOR SERVICE

ID # _____

Judge Timothy J. Grendell

Please serve the following document: _____.

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence

☐ Other _____

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence

☐ Other _____

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence

☐ Other _____

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence

☐ Other _____

_____

Print Name: _____

Telephone: _____

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO

In Re: _____ Case No. _____
A Minor

I.D. No. _____

AFFIDAVIT Judge Timothy J. Grendell

I, _____, state the following:

_____
Your Signature

State of Ohio
County of Geauga

Sworn to or affirmed and subscribed before me by _____, this

____ day of _____, 20___.

_____
Notary Public