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
[Private Custody Case]
[For Nonparent Use – Motion for Custody]

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. If you decide to proceed without an attorney, then understand that Ohio law provides that you are presumed to have knowledge of the law and of correct legal procedure, and are held to the same standard of all other litigants who are represented by 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 Motion. The primary purpose of this Motion is for a Nonparent to obtain custody of a child(ren). A Motion should be selected if there is a legal proceeding in this Court regarding the minor child, no matter how long ago that legal proceeding was initiated. If a legal proceeding was never initiated in this Court regarding the minor child, then a Complaint should be selected. The Resource Center has other packages for Complaints.

General Instructions

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

2. The Motions offered in this package are intended for a Nonparent who has an interest in a minor child and seeks a child custody order. If you are a Parent and you decide to file a Motion regarding custody or parenting time (i.e., "visitation" rights), 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]

5. Be prepared to pay a court cost deposit, which should not exceed $50. 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 Motion. A deputy clerk can supply you with that form.[2]

The Forms

1. Motions

a. Motion to Intervene – Before you may file a Motion for Custody (Form GC Juv 020A) in a private custody, you must first obtain permission from the Court to file that motion. You do so by first filing a Motion to Intervene (Form GC Juv 020A.1), which essentially is asking the Court's permission to file your Motion for Custody. Civ.R. 24(C) requires that a copy of the Motion for Custody must be attached to the Motion to Intervene. The Court will have a separate hearing to determine whether the Motion to Intervene is granted.

b. Motion for Custody – You must prepare the Motion for Custody (Form GC Juv 020A). The Clerk may permit you to file both the Motion to Intervene and the Motion for Custody at the same time, but the Court must grant the Motion to Intervene before the Motion for Custody is effective.

Key Notes

- **WARNING – The Court will only grant you companionship time if the pending juvenile proceeding includes a determination for child support.**

- If you are unsure whether the pending legal proceeding is a private custody case or a JFS case, a deputy clerk can provide you with that information.

- DO NOT insert a minor child's name in the Motion. 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.

- **Supporting Facts** – It is critical that you describe in detail the specific facts, in paragraph 3 of the Motion to Intervene (Form GC JUV 020A.1) and in paragraph 5 of the the Motion for Custody (Form GC Juv 020A), which support your claim for a need to change custody.

WARNING - The Court may deny the motion to intervene.[3] A grandparent or other family member does not have an automatic right to be a party to a child custody proceeding. The Court may be more willing to grant a motion for intervention seeking child custody if the nonparent has a significant history of caring for the child. Generally, the nonparent must be able to prove that the nonparent has undertaken care and control of the child in the absence of parental supervision or parental permission and the child has relied upon that nonparent for

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

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

[3] See Civ. R. 24. See also *In re A.W.*, 2022-Ohio-1097 (11th App. Dist., Ashtabula Cty.), *In re L.M.*, 2021-Ohio-1630 (12th App. Dist., Preble Cty.), and *In re. J.B.*, 2016 WL 4497100 (8th App. Dist, Cuyahoga Cty.)

support. Examples would be if you have custody of a child under (i) Custody Power of attorney, (ii) Caretaker Authorization Affidavit, or (iii) Relinquishment Agreement.

- **Emergency Order** – If you want the Court to issue an emergency custody order, then sure to check the box requesting an emergency order and the type of order (i.e., custody or companionship time).

- Generally, a Nonparent must first obtain the Court's permission to be a party to a pending litigation before filing a motion or custody or companionship time. Thus, a Motion to Intervene must be filed.

2. **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,[4] a copy of both Motions, which may include attorneys and a guardian ad litem. This form must be prepared and filed by you in order to give the deputy clerk the necessary information and directions. If you are unsure who are the parties or their attorneys, then a deputy clerk should be able to provide you with their names and addresses.

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

Key Notes

- If you are requesting in the Motion for Custody so that the Court issue an emergency (ex parte) custody or companionship time order, then you should prepare and file with that Motion 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.

4. **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 minor children. Accordingly, this form is not a public record and will be kept in a separate confidential file.

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

[4] 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. _____

MOTION TO INTERVENE

Filed by: _____ and _____

1. This Motion to Intervene, which is filed pursuant to Civ.R. 24, relates to the minor child(ren), whose initials are set forth below and whose name, date of birth, and current address are described in a separate confidential document filed with the Court, (the "Children.").

   Minor Children Initials: _____

2. I am/we are related to the Child(ren), and have an interest in the welfare of the Children, as follows: _____

3. The reasons why I/we should be permitted to intervene are:

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

Request

5. I/we request that the Court issue an order permitting I/we (i) to intervene and be made a party in this matter and (ii) to file a Motion, a copy of which is attached to this Motion to Intervene.

_____	_____
Your Signature	Your Signature
_____	_____
Print Name	Print Name
_____	_____
Street	Street
_____	_____
City, State, Zip Code	City, State, Zip Code
_____	_____
Telephone	Telephone

MEMORANDUM IN SUPPORT
[Juvenile Rule 19]

1. JuvR. 2(Y) allows the court, in its discretion, to designate a person as a party to a juvenile court proceeding. The juvenile court may rely upon Civ.R. 24 when permitting a person, who is not automatically included as a party under Juv.R. 2(Y), to intervene in a court proceeding, and required that person to file a motion to intervene in a court proceeding if that third-party has in interest in the matter. See *In Re R.B.*, 2020-Ohio-5134 (3rd App. Dist.)

2. *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 Hockstock*, 98 Ohio St.3d 238, 781 N.E.2d 971 (2002).

3. R.C. 3109.12(A) and (B) permits the Court to awarded companionship time to maternal grandparents if the mother is unmarried, and to the father if paternity is finally acknowledged and to the paternal grandparents.

4. R.C. 3109.11 permits the Court to awarded companionship time to the parents of a deceased parent.

5. R.C. 3109.051(D)(15) provides that the Court shall consider the wishes and concerns of the child's parents, as expressed by them to the court. See *In Re Kaiser*, 2004-Ohio-7208, 2004 WL 3090224 (7th Dist. 2004), where the Court determined that a judge must give heavier weight to the wishes and concerns of the parent as compared to any other factor listed in R.C. 3109.051(D).

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. _____

MOTION FOR CHILD CUSTODY

Filed by: _____ and _____

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

   Minor Children Initials: _____

2. I am/we are related to the Child(ren), and have an interest in the welfare of the Children, as follows: _____

3. _____ is the mother of the Child(ren) ☐ and is an unsuitable parent.

4. _____ is the father of the Child(ren) ☐ and is an unsuitable parent.

5. The supporting facts for my request are:

6. Other

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

Request

8. 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);
- ☐ if I am/we are not granted legal custody of the Child(ren), then grant me/us reasonable companionship rights;
- ☐ grant me/us temporary legal custody of the Child(ren);
- ☐ if I am/we are not granted temporary legal custody of the Child(ren), then grant me/us temporary reasonable companionship rights;
- ☐ if I am/we are granted custody, then 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 the cash medical support; and determine who should pay non-insured health care expenses;
- ☐ order one or both of mother and father, as appropriate, to pay to me/us temporary child support of the Child(ren);
- ☐ Other:

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

_____	_____
Your Signature	Your Signature
_____	_____
Print Name	Print Name
_____	_____
Telephone	Telephone

MEMORANDUM IN SUPPORT
[Juvenile Rule 19]

1. *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 Hockstock*, 98 Ohio St.3d 238, 781 N.E.2d 971 (2002).

2. If the parents are "unsuitable" a nonparent may be awarded custody of a minor child. *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 Hockstock*, 98 Ohio St.3d 238 at 241, 244 (2002); and *In re H.J.H.*, 2019-Ohio-116 (5th App. Dist.).

3. 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. *In re Perales*, 52 Ohio St. 2d 89, 98 (1977); *In re H.J.H.*, 2019-Ohio-116 (1st App. Dist.).

4. 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.).

5. 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.)

6. 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.

7. 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).

8. 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)." Finally, in determining whether the parent is unsuitable, the focus must be upon the detriment or harm to the child and not society's judgment of the parent. *In re Perales*, 52 Ohio St.3d 89 (1977). The issue is not whether the nonparent is more suitable. *In re R.R.S.*, 2018-Ohio-990 (2nd App. Dist.). The fact that the nonparent may provide better care or a better environment has no bearing on whether the parent is unsuitable. *In re I.R.*, 2019-Ohio-2037 (2nd App. Dist).

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

10. A grandparent, any person related to the child by consanguinity or affinity, or any other person other than a parent may seek a companionship order under R.C. 3109.051(B), if there is a pending child support order,

11. The parents and other relatives of the deceased father or mother may seek a companionship order under R.C. 3109.11, if there is a deceased parent.

12. A parent or other relative of an unmarried woman may seek a companionship order under R.C. 3109.12. Moreover, if paternity is established, a parent or other relative of the father may seek a companionship order under R.C. 3109.12

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

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