

# Grandparent's Visitation & Custody Rights



## Do I have visitation rights for my grandchild?

Parents have complete authority to grant or deny visitation to third parties. The law respects the parent's right to decide who the child may see. In Ohio, grandparents can receive court orders for visitation with grandparents in three circumstances:

- 1.) When married parents terminate their marriage and separate.
- 2.) When a parent of a child is deceased.
- 3.) When the child is born to an unmarried woman. In that situation, the father's parents may request visitation only if paternity has been legally established.

**NOTE:** Visitation may be ordered in the above circumstances if it is in the best interest of the child.



## How do I go about requesting visitation?

You must file a Motion to Establish Visitation with the court. The court in which you file this motion depends on the circumstances involved.

- If there is a prior case involving the child (like a divorce, a child support action, or paternity case), the motion must be filed in that court. The motion may be filed while the proceeding is pending or after a decree or final order is issued.
- If the parents of the child are unmarried and there is no prior case, then the motion must be filed in the Common Pleas Court in the county where the child lives. These are normally filed in the Juvenile Division of the Common Pleas Court.



## What happens if the judge grants me visitation but the child's parent still refuses to let me visit?

You can enforce a visitation order by filing a contempt motion with the same court that granted you the original visitation order.



## How do I obtain custody of a grandchild?

A grandparent may file a Complaint or a Motion for custody of a grandchild. Courts recognize that biological parents have a paramount interest in the care of a child.

Before a court can award custody to a non-parent, the court must first determine that the parents are unfit or "unsuitable." Once the court has made a finding that the parent is unfit or unsuitable, the court will then review whether it is in the best interest of the child for custody to be granted to the grandparent.

Ohio also has created Kinship Power of Attorney affidavits and Caretaker affidavits to allow a grandparent to care for a grandchild without filing a custody action.



## My grandchild lives with me. Can I get child support?

You have the right to seek a paternity determination and child support for your grandchild if:

- You are the parent of an unmarried minor (under the age of 18) who has his or her own child; and
- Both your minor child and your grandchild lives with you and are being supported by you.

To request child support for your grandchild, you should do one of the following:

- Ask your county's child support enforcement agency to bring a paternity/child support action on your behalf.
- File a request for a paternity determination and child support in your county's Juvenile Court.

Please keep in mind that the child support you request might come from the child's other set of grandparents.

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**The information on this flyer is not legal advice.  
If you are seeking representation or legal advice, please contact SEOLS.  
An attorney-client relationship does not exist between you and SEOLS.**

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