

Custody start to finish

File your petition for custody:

Determine your filing: who is asking you to file? Is it a biological parent, grandparent, blood relative, step parent If you determine you can file under the custody statute, In almost any scenario(is when able to file under custody statute), especially the first time in court on the children at issue, file as a custody petition along with petition for visitation.

Court typically infers the visitation petition/by oral petition but you may run into procedural issues should you not have something filed.

Mother almost never had to file for custody because in Ohio mother is the presumed custodial parent.

Timing: Cases are set on a 9 month track. Your first setting will be anywhere between 2-3 months after you file your petition.

Because of the delay, and the nature of juvenile cases, you only have anywhere between 6-7 months to complete

Mother has no obligation to allow visitation. Meaning, it may make sense to file a motion to set parenting time at that first hearing. Magistrates will tell you they can't issue an order for parenting time without an agreement or hearing...if not, you always father) may have a client who goes an extended period of time without seeing their child/ren

Contact with Mother: because of this possible delay and nature of mother/father relationship in juvenile, sent a letter explaining the intentions of your client, ie we are not trying to take your child from you. Rather, your client is only exercising his rights

If you represent Mother: unless there's reason for safety concern, encourage your client to allow for some type of visitation. This is a two way street: you do not want mother to go into first court date and explaining to the court why she will not allow visits. If you do have concerns, suggest supervised visits. Our court has so many options at its disposal prior to not allowing any parenting time. Ensure your client understands this prior to first hearing.

Shared parenting: juvenile is different than domestic. Many of our litigants don't have relationships like married couples do, ie May have never raised the children together. However, the Court also recognizes that more and more people are having children/families outside of marriage. Our court really starts with shared parenting plan as a baseline and asks the litigants to explain WHY it shouldn't be shared parenting versus a few years ago when we were argue why it should be.

Make sure you file you're shared parenting plan in advance of trial.

Child support: on any parenting plan, you are now required to complete a child support case.

GAL: if you believe you need a separate pair of eyes, our court now provides GALs through prokids. Depending on the income level of your clients, consider using a private GAL.