

UNION COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

GRANDPARENT POWER OF ATTORNEY (R.C. 3109.51 *et. seq.*)

*Are you a grandparent caring for your grandchild,
and the child's parent/guardian/custodian believes you should continue?*

The following is information regarding your potential ability, under Ohio law, to make decisions regarding your grandchild without requiring a custody order through the Court system. The forms are attached, and must be properly filled out, signed and notarized, and filed with this court not more than five (5) days after they have been notarized.

<p>Please note: this Court's staff members are prohibited from providing legal advice or assistance to prepare these documents.</p>
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The Power of Attorney for Residential Grandparents is to be used when the **grandparent(s) and parent/guardian/custodian AGREE** that the Grandparents should have Power of Attorney, **and** the **parent/guardian/custodian's whereabouts are KNOWN** (because the child's parent/guardian/legal custodian must sign the documents, too).

If the grandparent is caring for the grandchild because the child's parent/guardian/custodian cannot do so, AND the grandchild is now residing with the grandparent, one or both of the parents or guardian/legal custodian can grant the grandparent Power of Attorney. The Grandparent POA requires the signature of the child's parent/guardian/legal custodian and the grandparent's signature(s).

A power of attorney will grant the grandparent:

1. Any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical custody, and control of the child.
2. The ability to enroll the child in school.
3. The ability to obtain from the school district educational and behavioral information about the child.
4. The right to consent to all school-related matters regarding the child.
5. The right to consent to medical, psychological, or dental treatment for the child.

NOTE:

1. The power of attorney will not grant the grandparent the authority to consent to the marriage or adoption of the child.
2. The power of attorney does not affect the rights of the parent, guardian, or custodian of the child in any future proceeding concerning custody of the child or the allocation of parental rights and responsibilities for the care of the child and does not grant legal custody to the attorney in fact.
3. The power of attorney does NOT grant the grandparent legal custody of the child.

To obtain a Grandparent Power of Attorney:

- NOTE: NO PARTY SHOULD SIGN ANY of the documents unless they are in the **presence of a notary public**. The best course is to fill out the documents completely so they are ready to sign when you have your appointment with the notary. Notaries are found at most public libraries or banks, but it is best to call ahead. *The Court will not notarize documents for you.*
- The parent/guardian/legal custodian *and* the grandparent(s) must fill out the **[1] Power of Attorney Form** completely (attached).
 - The parent/guardian/legal custodian and the grandparent(s) must *understand and agree* to the terms regarding Power of Attorney.
 - The parent/guardian/legal custodian and the grandparent(s) must *sign* the POA before a notary public, who must *notarize all* signatures and properly *stamp and/or seal* the form. If both parents agree, then both may sign.
- Fill out the **[2] Parenting Proceeding Affidavit** (attached) and *sign it in the presence of a notary*, who will stamp and/or seal the form.
- **FILE** all the forms with the Union County Juvenile Court, at 215 West 5th Street, Room 107, Marysville, Ohio 43040, within five (5) days of signing the form.
- In five (5) days or less of the day the POA form is notarized, send a copy of the POA via **certified mail** to the non-residential parent (the parent who is not the primary custodian of the child). Retain the certified mail receipt. **[3] File the receipt with the court.** *It is best to file this receipt at the same time that the other forms are filed.*
 - Note: You do NOT have to send the POA via certified mail to the non-residential parent under the following circumstances (R.C. 3109.55):
 1. The other parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code. Be prepared to show proof of this to the court (copy of the court order).
 2. The other parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151 of the Revised Code. Be prepared to show proof of this to the court (copy of the court order).
 3. The other parent cannot be located with reasonable efforts. Be prepared to show proof of this to the court. It is suggested that you keep a record of your efforts.
 4. The power of attorney is being created by both parents.

What happens after the documents are presented to the Court for filing?

All the documents will be reviewed to make sure that all requirements for filing the documents have been met. If all requirements **have** been met, a file-stamped copy of documents will be given to you.

If all requirements **have not** been met, the documents will be returned to you and you may have to start the process over by filing new documents.

How does a Grandparent Power of Attorney terminate?

Grandparent Powers of Attorney **continue in perpetuity** and **do not need to be refiled each year** to remain valid, unless one of the following events occurs:

1. The power of attorney is revoked in writing by the parent/guardian/custodian)who created it, and that person gives written notice of the revocation to the grandparent designated as the attorney in fact *and* to the juvenile court with which the power of attorney was filed. Not later than five days after a power of attorney is revoked, a copy of the revocation of the power of attorney must be filed with the court with which the power of attorney is filed pursuant to section 3109.74 of the Revised Code.
2. The child ceases to reside with the grandparent designated as the attorney in fact.
3. The power of attorney is terminated by court order.
4. The death of the child who is the subject of the power of attorney.
5. The death of the grandparent designated as the attorney in fact.

What are the Grandparent's duties upon termination of the POA?

When the POA terminates for any reason other than the death of the grandparent, the grandparent designated as the attorney in fact **SHALL** provide a **WRITTEN NOTICE** not later than one (1) week after the parent/guardian/custodian terminates the POA to:

- (1) the child's most recent school;
- (2) the child's medical providers;
- (3) the child's health insurance provider;
- (4) the parent who is not the residential parent and legal custodian and who is required to be given notice under section 3109.55 of the Revised Code; and
- (5) any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely upon and have acted in reliance upon the power of attorney that has now been revoked.