

**UNION COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION**

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**GRANDPARENT CARETAKER AUTHORIZATION AFFIDAVIT**

(R.C. 3109.65 *et. seq.*)

***Are you a grandparent caring for your grandchild and  
you cannot locate the child's parents?***

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

The Caretaker Authorization Affidavit (R.C. 3109.65) is to be used **when your grandchild is living with you, and you have been unable to locate both of the child's parent(s)/guardian/custodian after you have made reasonable attempts to do so.**

The Caretaker Authorization Affidavit **will** allow the grandparent to:

1. Exercise care, physical custody, and control of the child
2. Enroll the child in school
3. Discuss with the school district the child's educational progress
4. Consent to all school-related matters regarding the child
5. Consent to medical, psychological, or dental treatment for the child.

You are permitted to execute the Caretaker Authorization Affidavit *without* attempting to locate the parent if:

1. Paternity has not been established with regard to the child and the child's father.
2. The parent to be noticed is otherwise prohibited from receiving notice of relocation in accordance with section 3109.051 of the Revised Code, pursuant to a prior court order;
3. The parental rights of the parent to be noticed has have been terminated by order of a juvenile court pursuant to Chapter 2151 of the Revised Code.

**NOTE:**

1. The Caretaker Authorization Affidavit **will not** grant the grandparent the authority to consent to the marriage or adoption of the child.
2. The Caretaker Authorization Affidavit **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 grandparent.
3. The Caretaker Authorization Affidavit **does NOT** grant the grandparent legal custody of the child.

<p><b>Please note:</b> this Court's staff members are prohibited from providing legal advice or assistance to prepare these documents.</p>
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## To obtain a Caretaker Authorization Affidavit:

- NOTE: DO NOT SIGN ANY of the documents unless you 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 public. Notaries are found at most public libraries or banks, but it is best to call ahead. The Court will not notarize documents for you.
- Fill out the [1] **Caretaker Authorization Affidavit** (attached) completely. The grandparent must *understand* and *agree* to the terms.
- Fill out the [2] **Parenting Proceeding Affidavit** (attached) completely.
- The grandparent must *sign* both affidavits in the presence of a notary public, who must *notarize* any signatures and properly *stamp* and/or *seal* the form.
- **FILE** the forms with the Union County Juvenile Court, at 215 West 5<sup>th</sup> Street, Room 107, Marysville, Ohio 43040, within five (5) days of signing the form. **DO NOT DELAY.**

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

The documents will be reviewed. 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 and you may have to start the process over.

## How does a Caretaker Authorization Affidavit terminate?

A Grandparent Caretaker Authorization Affidavits will **continue in perpetuity** and **does not need to be refiled each year** to remain valid. Termination occurs if one of the following events occurs:

1. The child ceases to reside with the grandparent.
2. The affidavit is terminated by court order.
3. The death of the child who is the subject of the affidavit.
4. The death of the grandparent who executed the affidavit.
5. The parent, guardian, or custodian of the child who is the subject of the affidavit **acts**, in accordance with section 3109.72 of the Revised Code, to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed the affidavit with respect to the child, **and** the grandparent either **voluntarily returns the child** to the physical custody of the parent, guardian, **or** custodian **or fails to file a complaint** to seek custody within fourteen days after the delivery of written notice of negation, reversal, or other disapproval.

A parent, guardian, or custodian may negate, reverse, or disapprove a caretaker's action or decision **only by delivering written notice** of negation, reversal, or disapproval to the caretaker and the person responding to the caretaker's action or decision in reliance on the affidavit.

## **What are the Grandparent's duties upon termination?**

When the Affidavit terminates for any reason other than the death of the grandparent, the grandparent SHALL provide a WRITTEN NOTICE not later than one (1) week after the parent/guardian/custodian terminates the Affidavit to this Court and:

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.