

**REPRESENTING YOURSELF IN YOUR COMPLAINT FOR GRANDPARENT
VISITATION/COMPANIONSHIP TIME**

This Webpage is for informational purposes only. It does not constitute legal advice and should not be relied upon as legal advice. For specific legal advice, consult with an attorney.

Every effort has been made to present accurate and up-to-date information on this page. However, procedures, laws, and rules change over time.

Please read the General Information on our Website. A link is provided for you [here](#).

If you are seeking an Order granting you a visitation/companionship time schedule with your grandchild(ren), you would file a Complaint for Grandparent Visitation. The Complaint will be scheduled for an Initial Hearing.

You must provide the Court with a current address for the parent(s) of your grandchild so that he/she may be served with a copy of this Complaint.

At the Initial Hearing you and the parent(s) will appear before a Judge or Magistrate of this Court. Unless you and the other parent(s) have reached an agreement on the visitation issue, the Court will offer to you the services of our Mediation Program. This is a no-cost program which allows you and the parent(s) to sit down with a Court Mediator in the hope of reaching an agreement. If Mediation is successful, a written Mediation Agreement will be prepared by the Mediator. You and the parent(s) will appear before the Judge or Magistrate and sign the Agreement. The Court will then put on an Order adopting the Mediation Agreement. This means that it is a valid Order of the Court. The Mediation Agreement is not binding and enforceable unless and until the Agreement is adopted by the Court; therefore, you must attend this hearing.

If Mediation was not successful, then your Complaint for Grandparent Visitation will be scheduled for trial. Please refer to the link above for helpful tips about preparing to represent yourself at trial.

You have the burden of proving to the Court that visitation with you is in the best interest of your grandchild(ren), or that there is a compelling interest that overrides the parent's objection to your visitation request.

The United States Supreme Court, in *Troxel v. Granville*, 530 U.S. 57 (2000), made it abundantly clear that the Court, in considering your Complaint for Grandparent Visitation, must "apply a presumption that fit parents act in the best interests of their children." The Ohio Supreme Court, in *In re Frazier*, 2003-Ohio-1087, cited the *Troxel* decision when it ruled that

courts are required to give greater deference to a parent's decisions regarding the care, custody, and control of their child.

When determining whether it is in the best interest of your grandchild(ren) to have a visitation schedule with you, the Court must consider the following factors pursuant to Ohio Revised Code Section 3109.051(C):

- 1. The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child.....**
- 2. The geographical location of the residence of each parent and the distance between those residences, and if the person is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence....**
- 3. The child's and parent's available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parent's holiday and visitation schedule.....**
- 4. The age of the child.....**
- 5. The child's adjustment to home, school, and community.....**
- 6. If the court has interviewed the child in chambers...regarding the wishes or concerns of the child as to...companionship or visitation by the grandparent...as expressed to the court.....**
- 7. The health and safety of the child.....**
- 8. The amount of time that will be available for the child to spend with siblings.....**
- 9. The mental and physical health of all parties.....**
- 10. Each parent's willingness to reschedule missed parenting time....and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation.....**
- 11. In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving an act that resulted in a child being an abused child or neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication.....**
- 12. In relation to requested companionship or visitation by a person other than a parent, the wishes and concerns of the child's parents, as expressed by them to the court.....**
- 13. Any other factor in the best interest of the child.....**

You must be prepared to offer evidence that is relevant to these factors.

You may ask the Court to interview your grandchild(ren) privately (outside the presence of you and the other parent). To do so, you must file a Motion for an *In Camera Interview* of the Child. While there is no minimum age requirement for a child to be interviewed, the child must be old enough, and mature enough, to effectively communicate with the Judge or Magistrate. Your grandchild(ren) must be able to answer the questions that the Judge or Magistrate asks.

You may ask the Court to appoint a Guardian Ad Litem. A Guardian Ad Litem is a person appointed by the Court to represent a child's best interests in the Court proceeding. If you make this request, you would be financially responsible for the expenses associated with the Guardian Ad Litem's services. The Court requires an initial deposit of \$500.00. The total expenses are usually more than the initial deposit. The Guardian Ad Litem will visit the homes of all parties involved, will talk with the child's teachers and other individuals (e.g. doctors, tutors, therapists) , and will interview the child if the child is old enough to communicate. The Guardian Ad Litem will then prepare a written Report and Recommendations and file it with the Court. You will have an opportunity to read and review the Report.