

## **REPRESENTING YOURSELF IN YOUR COMPLAINT FOR SHARED PARENTING**

**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 a parent seeking Shared Parenting of your child with the other parent, and there is no prior existing custody order concerning your child, you would file with this Court a Complaint for Shared Parenting. The Complaint will be scheduled for an Initial Hearing.

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

At the Initial Hearing you and the other parent will appear before a Judge or Magistrate of this Court. Unless you and the other parent have reached an agreement on the custody issue, the Court will offer to you the services of our Mediation Program. This is a no-cost program which allows you and the other parent 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 other parent 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 Shared Parenting will be scheduled for trial. Please refer to the link above for helpful tips about preparing to represent yourself at trial.

You are required by law to file a Proposed Shared Parenting Plan with the Court; this must be filed no later than 30 days prior to the trial on your Complaint for Shared Parenting. An example of a Shared Parenting Plan is available on the Court's website, at the [Forms](#) page.

It is your burden to prove to the Court, by a preponderance of the evidence, that it is in the best interest of your child for you and the other parent to have Shared Parenting of the child.

In determining the best interest of your child, the Court is required by law to consider the following factors that are set out at Ohio Revised Code Section 3109.04(F)(2):

**3109.04(F)(2)(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children....**

**3109.04(F)(2)(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent....**

**3109.04(F)(2)(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by the other parent....**

**3109.04(F)(2)(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting....**

**3109.04(F)(2)(e) The recommendation of the guardian ad litem, if the child has a guardian ad litem....**

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

You may ask the Court to interview your child privately (outside the presence of you and the other parent). To do so, you must file a Motion for *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 child 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.