

REPRESENTING YOURSELF IN YOUR COMPLAINT FOR VISITATION

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 visitation with your child, and there is no prior existing visitation order concerning your child, you would file a Complaint for Visitation. 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 the 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 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 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 a 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 the hearing.

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

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 to have a visitation schedule, ordered by the Court. 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 3109.051(D):

3109.051(D)(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 ...

3109.051(D)(2) The geographical location of the residence of each parent and the distance between those residences....

3109.051(D)(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule....

3109.051(D)(4) The age of the child....

3109.051(D)(5) The child's adjustment to home, school, and community....

3109.051(D)(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent...as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court....

3109.051(D)(7) The health and safety of the child... .

3109.051(D)(8) The amount of time that will be available for the child to spend with siblings....

3109.051(D)(9) The mental and physical health of all parties....

3109.051(D)(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights....

3109.051(D)(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, 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; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child....

3109.051(D)(12) ...whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding....

3109.051(D)(13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court....

3109.051(D)(14) Whether either parent has established a residence or is planning to establish a residence outside this state....

3109.051(D)(15) 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....

3109.051(D)(16) Any other factor in the best interest of the child....

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.