

3109.66 Form of caretaker authorization affidavit.

The caretaker authorization affidavit that a grandparent described in section [3109.65](#) of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections [3109.65](#) to [3109.73](#) of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:
2. Child's date and year of birth:
3. Child's social security number (optional):
4. My name:
5. My home address:
6. My date and year of birth:
7. My Ohio driver's license number or identification card number:
8. Despite having made reasonable attempts, I am either:
 - (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or
 - (c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:
 - (i) The parent has been prohibited from receiving notice of a relocation; or
 - (ii) The parental rights of the parent have been terminated.

I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in

9. a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION [2921.13](#) OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.

I declare that the foregoing is true and correct:

Signed: _____ Date: _____

Grandparent _____

State of Ohio _____

ss: _____

County of _____

Subscribed, sworn to, and acknowledged before me this _____ day of _____

Notary Public

Notices:

1. The grandparent's signature must be notarized by an Ohio notary public.

The grandparent who executed this affidavit must file it with the juvenile court of the county

2. in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.

This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding

3. the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.

4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.

This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the

child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or

custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of

5. the grandparent who signed this affidavit, 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; (3) the affidavit is terminated by court order; (4) the

death of the child who is the subject of the affidavit; or (5) the death of the grandparent who

executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or

decision only by delivering written notice of negation, reversal, or disapproval to the

grandparent and the person acting on the grandparent's action or decision in reliance on this

affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who

signed this affidavit shall notify, in writing, all of the following:

(a) Any schools, health care providers, or health insurance coverage provider with which the

child has been involved through the grandparent;

(b) Any other person or entity that has an ongoing relationship with the child or grandparent

such that the person or entity would reasonably rely on the affidavit unless notified of the

termination;

(c) The court in which the affidavit was filed after its creation.

The grandparent shall make the notifications not later than one week after the date the

affidavit terminates.

The decision of a grandparent to consent to or to refuse medical treatment or school

6. enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life,

health, or safety of the child.

Additional information:

To caretakers:

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.
2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number.
3. You must include with the caretaker authorization affidavit the following information:
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.
4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.

2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit.
3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation.
The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or
4. disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

To health care providers:

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized.

2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child.

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

Amended by 129th General Assembly File No. 180, HB 279, §1, eff. 3/20/2013.

Effective Date: 07-20-2004

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DOMESTIC RELATIONS COURT

Plaintiff / Petitioner

v.

Defendant / Petitioner

Case No. _____

Judge: _____

**INFORMATION FOR CHILD CUSTODY
PROCEEDING
(§3127.73 Ohio Rev. Code)**

NOTE: By law, an affidavit **must** be filed and served with the first pleading filed by each party in every child custody proceeding (allocation of parental rights, legal custody, parenting time, or visitation). Each party has a continuing duty while this case is pending to inform the Court of any child custody proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, attach an additional page.**

My full name is _____ and I state, under oath, that the following information is true:

1. State the name and date of birth for each child who is in issue in this case, the address(es) where each child lived during the past five years, the dates the child lived at each address, and the name of all adults who lived with the child at each address. (If more than four children are in issue, attach a separate page and provide this same information for each additional child.)

Child's Name:			Date of Birth:
Last Five (5) Years			Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years			Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years			Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

2. The names and **current** addresses of all adults listed in #1 are:

Adult's Name	Current Address

3. Have you participated as a party, a witness, or in any other capacity in any other proceeding concerning the allocation of parental rights and responsibilities for these child(ren), including any proceeding concerning parenting time rights, visitation, or the designation of residential parent and legal custodian?

Yes. No.

If you answer "Yes", state the name and address of the court, the case number, and the date of the proceeding.

4. Do you know of any other proceeding that could affect the current proceeding, including a proceeding for enforcement of a child custody determination, a proceeding relating to domestic violence or protection orders, a proceeding to adjudicate the child as an abused, neglected, or dependent child, a proceeding seeking termination of parental rights, or a proceeding for adoption?

Yes. No.

If you answer "Yes", state the name and address of the court or agency, the case number, and the nature of the proceeding.

5. Do you know of any person who is not a party to this proceeding and who has physical custody of the child(ren), claims to be the residential parent and legal custodian of the child(ren), or claims to have parenting time or visitation rights with respect to the child(ren)?

Yes. No.

6. Do you know of any child support order for the child(ren) that has been issued by any court or agency?

Yes. No.

If your answer is "Yes", state the name and address of the court or agency that issued the order and the case number.

7. I understand that I must inform the Court if I learn of any other child custody proceeding concerning the child(ren) that could affect the current proceeding.

OATH OF AFFIANT

I hereby swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

AFFIANT

Sworn to and subscribed before me on this ____ day of _____, _____.

NOTARY PUBLIC