

Custody, Parenting Time & Paternity in Juvenile Court: Ohio Statutes vs. Reality!



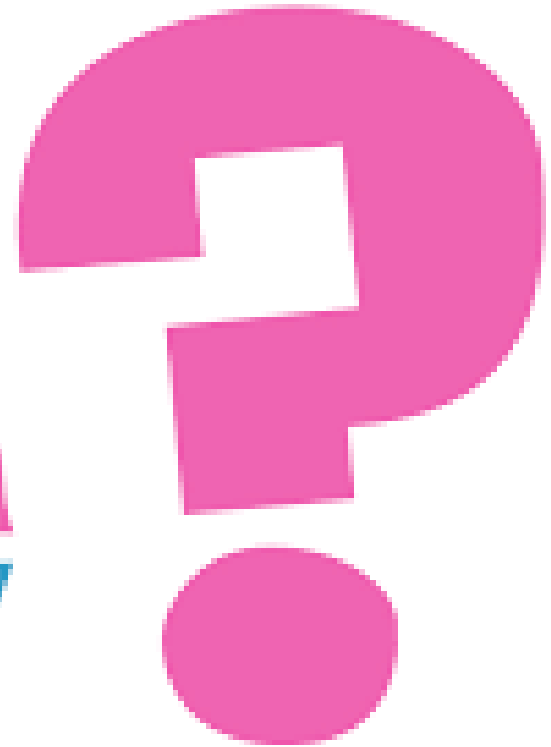
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I. Establishing Paternity



**WHO'S
YOUR
DADDY**



Three ways to Establish Paternity



- 1. Acknowledgement of Paternity Affidavit
- 2. Agency Determination of Paternity
- 3. Filing a Motion for Paternity with the Court



1. Acknowledgement of Paternity Affidavit



- Initially offered at the time of birth at the hospital
- Must actually be on the brown paper form
 - Actual document handout (available through CSEA or through the Central Paternity Registry)
- Can't be executed if there is a presumed father
- Must be sent to the agency within ten days of final execution.
 - However, can be executed at any time.
- Able to give child a new name, including surname
- Does create the parent/child relationship, but does not establish child support.
 - Acknowledgment is subject to rescission within certain time periods.



2. Agency Determination of Paternity



- See CSEA Packet in your materials (Tab 1)
- [Must be filed prior to court action \(3111.381\)](#)
- Pro/Cons to using this method to establish paternity?



3. Filing Motion for Paternity with the Court



- Complaint to Establish Parent/Child Relationship by Mother (Tab 2)
- Complaint to Establish Parent/Child Relationship by Father (Tab 3)
- Court Process
- [Statute of Limitations \(3111.05\)](#)
- [Jurisdiction \(3111.06\)](#)
 - 3111.06(B)- If you do it in our state, you get to come back.
- [Genetic Testing \(3111.09\)](#)
- [Parenting Time \(3111.13\(c\)\)](#)
- [Limitations on Support \(3 year rule\) \(3111.13\)\(F\)\(3\)\(a\)-\(b\)](#)



“After birth, it’s all about mom”



- **O.R.C. §3109.042 Custody rights of unmarried mother.**
 - (A) An unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian. A court designating the residential parent and legal custodian of a child described in this section shall treat the mother and father as standing upon an equality when making the designation.
 - (B) Notwithstanding division (A) of this section, an unmarried female who has been convicted of or pleaded guilty to rape or sexual battery and has been declared under section 3109.501 of the Revised Code to be the parent of a child born as a result of rape or sexual battery shall not be a residential parent and legal custodian of that child.

II. Parenting Time (Visitation)



PARENTHOOD

It's like having a blender that's always on and doesn't have a top.

II. Parenting Time (Visitation)



- **Parenting Time (Tab 4)**
 - Hamilton County Local Rule 23 Standard Parenting Order
 - ✦ (Tab 5)
 - Hamilton County Local Rule 24 Standard Phase-In Schedule
 - ✦ (Tab 6)
 - [Hamilton County Domestic Relations Standard Schedule](#)
 - ✦ (Tab 7)
 - Or whatever schedule the parties agree upon.

Parenting Time (Visitation) Cont.

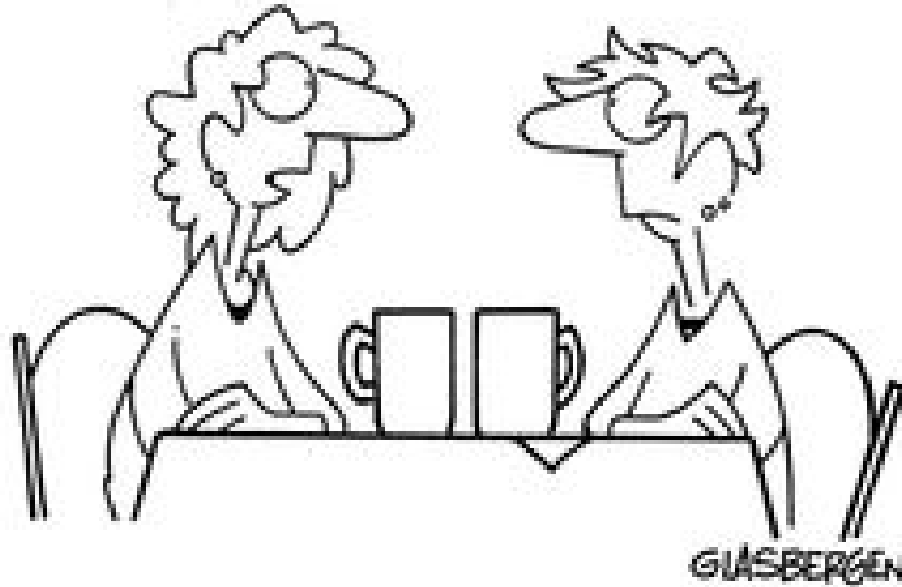


- **Modification of Parenting Time**
 - Standard is what is in the best interest of child
 - ✦ [\(3109.04\(F\)\(1\)\(a\)-\(j\)\)](#)
 - No change in circumstance need be shown.

III. Custody



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"The divorce judge wasn't very impressed with either of us. Our dog got custody of the kids!"

1. Custody By a Parent



- Hamilton County Packet (Tab 8)
- [3109.04 Best Interest Standards](#)
- [Standards for Shared Parenting](#)

- Shared Parenting Plan vs. Parenting Plan
 - “If it walks like a duck and talks like a duck, it doesn’t have to be a duck.”



2. Custody By a Non-Parent



- Hamilton County Packet (Tab 9)
- [In Re Perales, 52 Ohio St. 2d 89 \(1977\)](#)
 - (Tab 10)



3. Post-Custodial Modifications



- Statute for modifying a prior order (3109.04(B)(1))
- Statute to terminate shared parenting (3109.04(E)(2)(c))



4. Restoration of Custody



- [In Re Brayden James, 113 Ohio St.3d 420, 2007-Ohio-2335](#)
 - (Tab 11)
- “Substantive” Change in Circumstance, not “Substantial”
 - [Davis v. Flickinger, 77 Ohio St.3d 415,1997](#)
 - (Tab 12)



The end!



APPLAUSE