

Grandparent Caretaker Authorization Affidavit

Ohio law (R.C. 3109.65 *et seq.*) a grandparent may execute and file with the Juvenile Court a Caretaker Authorization Affidavit (CAA) if BOTH of the following apply:

1. The child lives with the grandparent; and
2. The grandparent has made reasonable efforts to locate and contact both of the child's parents or guardian or legal custodian and has been unable to do so;

A grandparent is NOT required to locate or contact the following: (R.C. 3109.65)

- A father IF paternity has NOT been established.
 - Note: If any of the following apply, paternity has been established by law and the grandparent must attempt to locate and contact the father: (a) the child was born during a marriage; (b) there is a father listed on the child's birth certificate; (c) a father is ordered to pay child support, or court has issued an order establishing paternity.
- A parent who is prohibited from receiving notice under R.C. 3109.051
- A parent who has had their parental rights terminated by a juvenile court under R.C. Chapter 2151.

A CAA grants the grandparent the authority to exercise care, physical custody, and control of the child. This includes the ability to enroll the child in school and manage school related matters, however, it does not affect the rights and responsibilities of the parent(s), guardian, or legal custodian of the child, nor does it grant authority to the grandparent to consent to the marriage or adoption of the child. (R.C. 3109.69)

INSTRUCTIONS:

1. Complete the attached General Information Sheet, Caretaker Authorization Affidavit, and Parenting Proceeding Affidavit.
2. THE CAA MUST BE FILED IN JUVENILE COURT WITHIN 5 DAYS OF BEING NOTARIZED.
 - The CAA may be filed in either the juvenile court in the county where the grandparent resides or in a county that has already exercised jurisdiction over the child (ex. in a previous custody case)
3. TERMINATION, NEGATION, REVERSAL, OR DISAPPROVAL OF THE CAA (R.C. §3109.70 – 3109.72)
 - If CAA is ever terminated for any reason, (see item 5 under "Notices" on the CAA form or R.C. 3109.70 for conditions of termination), notice of termination must be filed with the court where the CAA was originally filed.
 - Notice of revocation must filed within 5 days of the CAA being revoked / terminated.
 - The Grandparent must provide written notice of the termination to any person or entity who received a copy of, or would reasonably have relied on, the CAA

within one week of the filing. A list of persons / entities required to receive notice can be found under item 6 under “Notices” on the CAA form.

- A parent, guardian, or custodian of a child may negate, reverse, or otherwise disapprove a CAA by delivering a written notice of the negation, reversal or disapproval to the caretaker and the person responding to the caretaker’s action or decision in reliance on the CAA.
 - If the grandparent caretaker receives written notice of negation, reversal or disapproval the CAA terminates and the grandparent must return the child within 14 days of receiving the written notice.
 - If the grandparent receives written notice of negation, reversal or disapproval and if the grandparent believes that the termination of the CAA is not the child’s best interest, the grandparent caretaker may, within fourteen (14) days of receipt of the written notice, file a complaint for legal custody in the juvenile court. The grandparent may retain physical custody of the child until the fourteen-day period elapses or, if a complaint for custody is filed, the grandparent may retain the child until the court orders otherwise. (R.C. 3109.76)

FILING A CAA FOR THE PURPOSE OF PARTICIPATION IN ACADEMIC OR SPORTS PROGRAM IS PROHIBITED BY LAW

R.C. 3109.78 prohibits any person from creating a Grandparent POA or CAA for the purpose of enrolling a child in a school or school district so that the child may participate in the academic or interscholastic sports programs provided by that school or school district. Violation of this provision is a first degree misdemeanor and voids the POA or CAA as of the date it was created.

NOTES:

- Free notary services are available at most banks or at the Montgomery County Juvenile Court Office of Citizen Services.
- All parties must present a photo ID to the notary before being notarized.
- A notarized Parenting Proceeding Affidavit, completed by the filing party, must be attached to the CAA form when filing. (R.C. 3109.66)
- Filing of a Grandparent CAA does not affect child support and might not entitle the Grandparent to receive certain state or federal benefits for the child.
- The court cannot charge a filing fee for the filing of a Grandparent CAA.

PARTIES ARE STRONGLY ENCOURAGED TO THOROUGHLY READ THE ENTIRE CAA FORM, INCLUDING THE “NOTICES” AND “ADDITIONAL INFORMATION” SECTIONS PRIOR TO SIGNING.