

Holmes County Juvenile Court Caretaker Authorization Affidavit (CAA)

INFORMATION FOR GRANDPARENTS SEEKING TO GAIN CARE, PHYSICAL CUSTODY AND CONTROL OVER THEIR GRANDCHILDREN WITHOUT CHANGING LEGAL CUSTODY

Ohio law changed on July 20, 2004, to provide grandparents two processes to gain “care, physical custody, and control” over their grandchildren without obtaining legal custody of the children.

If you desire full legal custody over your grandchildren, you should instead file a complaint for custody as Ohio law currently provides. It is important and advisable that you first consult with an attorney to ensure that you choose the procedure that best meets your needs and the needs of your grandchildren.

To obtain care, physical custody and control, the law allows you to execute a:

- (1) power of attorney with the consent of the parents, or;
- (2) a caretaker authorization affidavit if parents cannot be located or are unable to care for the children.

Please note that the law requires this Court to report child abuse, neglect and dependency to Holmes County Children Services. Your filing may prompt such a report.

NOTE THAT THE LAW SPECIFICALLY STATES THAT IT MAY NOT BE USED FOR THE SOLE PURPOSE OF ENROLLING THE CHILD IN A SCHOOL OR A SCHOOL DISTRICT TO ALLOW THE CHILD TO PARTICIPATE IN THE ACADEMIC OR INTERSCHOLASTIC ATHLETIC PROGRAMS PROVIDED BY THAT SCHOOL OR DISTRICT.

VIOLATION OF THIS PROVISION SUBJECTS YOU TO PROSECUTION FOR FALSIFICATION, A FIRST DEGREE MISDEMEANOR. FURTHERMORE, DOCUMENTS SO PREPARED ARE VOID FROM THE DATE OF THEIR CREATION UNDER THE NEW LAW.

CLERKS OF THIS COURT ARE PROHIBITED FROM PROVIDING YOU WITH LEGAL ADVICE OR ASSISTING YOU IN THE PREPARATION OF LEGAL DOCUMENTS.

At the time you file your power of attorney or caretaker authorization affidavit, you will need to provide to the Court your full name, address and telephone number, and the school district where the child will attend school. You also need to provide to the Court a certified mail receipt to prove that you mailed a copy of the executed document to any parent *who did not sign the document* or a written statement demonstrating why such notice is not required.

Checklist

Check all statements which are true. If any statement is not true, do not check the statement. The CAA cannot be filed unless **ALL** statements are checked as being true.

- The CAA form is identical in content to the form prescribed by the Revised Code of Ohio.
- The form is legible (all information is readable).
- The CAA contains the address, driver’s license number, or identification card number, and date of birth of the signing grandparent.
- The grandparent’s residence is in the state of Ohio.
- The CAA contains the name of the child and the child’s date of birth.
- The child is under the age of 18.
- There are no pending proceedings** regarding the child for: the appointment of a guardian or for an adoption; temporary, permanent or legal custody, or for placement in a planned permanent living arrangement; an ex parte emergency order; divorce, dissolution, legal separation, annulment, or allocation of parental rights and responsibilities.
- The CAA is correctly notarized (signed and dated by an Ohio notary public, sealed and stamped).
- The CAA was signed and notarized **within the past five days**.
- There is no other non-expired CAA or Power of Attorney (POA) existing with this Court or any other Court regarding the child.

State specifically what efforts you have made to locate and contact the child’s parents, guardian or custodian:

DATE: _____ SIGNATURE: _____

HOLMES COUNTY JUVENILE COURT PARTY INFORMATION FORM
REQUIRED FOR FILING POWER OF ATTORNEY/CARETAKER AUTHORIZATION AFFIDAVIT

Name of Child: _____ Case No. _____

1. Biological Father

Name: _____ Address: _____
DOB: _____
Phone No. _____

2. Biological Mother

Name: _____ Address: _____
DOB: _____
Phone No. _____

3. Grandparent(s)

Name(s): _____
Phone No.(s): _____

4. Current Address of Child: _____

5. School District: _____

6. Name of person(s) currently with legal custody of child: _____
Relationship to child: _____

7. Does any other person(s) have any court ordered visitation rights concerning this child?
____ Yes ____ No If so, please list:

Name: _____ Address: _____
Phone No. _____
Relationship to the Child: _____

8. Are any Social Service Agencies currently involved with this child or these children?
____ Yes ____ No If so, list Agency:

Name _____ Caseworker _____

I CERTIFY THAT I HAVE COMPLIED WITH OHIO LAW IN EXECUTING AND FILING THESE DOCUMENTS. I UNDERSTAND THAT FILING FALSE INFORMATION SUBJECTS ME TO CRIMINAL PROSECUTION FOR FALSIFICATION.

DATE: _____ SIGNATURE: _____

**CARETAKER AUTHORIZATION AFFIDAVIT
(Ohio Revised Code 3109.66)**

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 parent 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.
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. 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:

Grandparent's Signature

Date

STATE OF OHIO

COUNTY OF _____

Sworn to or affirmed and subscribed before me by _____ on this date
of _____, _____.

Signature of Notary Public

(Affix seal here)

Title or Rank of Notary Public

Commission Expiration Date: _____

NOTICES

1. The grandparent's signature must be notarized by an Ohio notary public.
2. The grandparent who executed this affidavit must file it with the juvenile court of the county 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.
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding 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.
5. 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 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.
6. The decision of a grandparent to consent to or to refuse medical treatment or school 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.
4. 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.

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 or educational facility 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.