

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

**PARTY INFORMATION FORM REQUIRED FOR FILING GRANDPARENT POWER OF
ATTORNEY OR CARETAKER AUTHORIZATION AFFIDAVIT**

JUDGE KEVIN H. TAYLOR

IN RE: _____
(Child's name)

D.O.B.: _____
(Child's Date of Birth)

Father

Father's Name

Father's Complete Address

Father's DOB

Father's Phone Number

Mother

Mother's Name

Mother's Complete Address

Mother's DOB

Mother's Phone Number

Grandparent

Grandparent's Name

Grandparent's Complete Address

Grandparent's DOB

Grandparent's Phone Number

Child

Child's Complete Address

Current Caregiver

Caregiver's Name

Caregiver's Complete Address

Caregiver's DOB

Caregiver's Phone Number

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

GRANDPARENT POWER OF ATTORNEY DOCUMENT CHECKLIST

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

The document form is: Provided by the Court

- The document is legible (all information is readable).
- A separate document is prepared and completed for each minor child.
- The document is signed by at least one of the child's parent.
- The document contains the address of each signing parent.
- The document contains the name, address, and county of residence of the grandparent(s) named as seeking to become the attorney in fact.
- The grandparent(s) reside in Van Wert County, Ohio.
- The document contains the child's correct legal name (spelled correctly) and the child's true date of birth.
- The child is under the age of 18.
- The document packet contains complete and legible answers to all questions set forth on the Parenting Proceeding Affidavit in Compliance with R.C. 3127.23, as well as any and all other documents and questions.
- 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 document is correctly notarized (Signed under oath in the presence of a Notary Public with a seal or stamp affixed).
- The document was signed and notarized within the past five (5) days.
- There is no other non-expired Grandparent Power of Attorney or Caretaker Authorization Affidavit in existence with any court regarding the minor child in question.
- The document is accompanied by a certified mail receipt showing that notice of the creation of the Grandparent Power of Attorney was sent by certified mail to the non-consenting, non-custodial parent. (Only applies if only one parent has signed the document and the address of the non-custodial parent is known).

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION
INFORMATION REGARDING GRANDPARENT POWER OF ATTORNEY AND
CARETAKER AUTHORIZATION AFFIDAVIT

Grandparents are permitted to file documents within the Juvenile Court that will designate them as caretakers of their grandchild, with the authority to provide for the care, physical custody, and control of their grandchild that is residing within their home. This can be accomplished by either the Grandparent Power of Attorney or the Caretaker Authorization Affidavit. Please review the following information to determine which document is appropriate for your individual situation. It is your responsibility to determine which document to file. Court employees are prohibited from providing legal advice or assistance to prepare these documents.

GRANDPARENT POWER OF ATTORNEY:

This document should be used when the parent(s) are granting authority to a grandparent to care for their child.

CARETAKER AUTHORIZATION AFFIDAVIT:

This document should be used when the child resides with the grandparent and, despite reasonable efforts, the parent(s) are unable to be located.

File EITHER a Power of Attorney OR a Caretaker Authorization Affidavit, NOT BOTH.

The following information applies to either document:

- Carefully review the document before signing it and filing it with Juvenile Court. **IT IS A CRIMINAL OFFENSE TO GIVE FALSE INFORMATION OR MAKE A FALSE REPRESENTATION TO THE COURT.**
- A custody affidavit **must** be signed by the grandparent, notarized, and accompany the Grandparent Power of Attorney or Caretaker Authorization Affidavit upon filing with the Court.
- Before filing with the Court, each signature must be notarized by a Notary Public of your choosing. *The Court will not notarize documents for you.*
- The document must be filed with the Juvenile Court of the county in which the grandparent resides within five (5) days of the date of notarization.
- There is no charge to file the document with the Court. You will receive three (3) certified copies; however, you will be charged if you request additional copies to be made by the Court and to have the additional copies certified.
- Either document is valid until terminated as set forth in the Ohio Revised Code.

PLEASE NOTE: The Court's employees are prohibited from providing legal advice or assistance to prepare these documents. If you have any questions regarding these forms, you should consult with an attorney. This information is provided as a guideline and the Court is in no way providing legal advice or dictating the manner in which to obtain the documents. The Court strongly urges individuals to consult with attorneys in regards to any and all legal document preparation and legal questions.

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

GRANDPARENT POWER OF ATTORNEY (R.C. 3109.51 *et. Seq.*)

Are you a grandparent caring for your grandchild and the child's parent/custodian/guardian believes you should continue to care for the child?

The following information relates to your ability, under Ohio law, to make decisions regarding your grandchild without requiring a custody order through the Court system. The forms are attached, and must be properly filled out, completed, signed and notarized, and then filed with this Court not more than five (5) days after they have been notarized.

The Power of Attorney for Residential Grandparents is to be used 1.) when the grandparent(s) and parent/guardian/legal custodian AGREE that the grandparents should have Power of Attorney, and 2.) the parent/guardian/legal custodian's whereabouts are KNOWN (because the child's parent/guardian/legal custodian must sign the documents, too).

If the grandparent is caring for the grandchild because the parent/guardian/legal custodian cannot do so, and the grandchild is now residing with the grandparent, one or both of the parents or guardian/legal custodian can grant the grandparent Power of Attorney. The Grandparent Power of Attorney requires the signature of a parent/guardian/legal custodian and the grandparent's signature(s).

A Power of Attorney will grant the grandparent:

1. Any of the parent's, guardian's, or legal custodian's rights and responsibilities regarding the care, physical custody, and control of the child.
2. The ability to enroll the child in school.
3. The ability to obtain from the school district educational and behavioral information about the child.
4. The right to consent to all school-related matters regarding the child.
5. The right to consent to medical, psychological, or dental treatment for the child.

NOTE:

1. The Power of Attorney will not grant the grandparent to authority to consent to the marriage or adoption of the child.
2. The Power of Attorney does not affect the rights of the parent/guardian/legal custodian of the child in any future proceeding concerning custody of the child or the allocation of parental rights and responsibilities for the care of the child and does not grant legal custody to the attorney in fact.

To obtain a Grandparent Power of Attorney:

PLEASE NOTE: The Court's employees are prohibited from providing legal advice or assistance regarding the preparation of these documents. If you have any questions regarding these forms, you should consult with an attorney.

NOTE: NO PARTY SHOULD SIGN any documents unless he/she is in the presence of a Notary Public. The best course of action is to fill out the documents completely so they are ready to sign when you meet with the Notary Public. **The Court will not notarize documents for you.**

- 1) The parent/guardian/legal custodian and the grandparent(s) must fill out the Power of Attorney Form completely and legibly.
 - The parent/guardian/legal custodian and the grandparent(s) must *understand and agree* to the terms regarding the Power of Attorney.
 - The parent/guardian/legal custodian and the grandparent(s) must sign the Power of Attorney before a Notary Public, who must notarize all signatures and properly *stamp* and/or affix a *seal* on the document. If both parents agree, then both should sign.
- 2) Fill out the Parenting Proceeding Affidavit and sign it in the presence of the Notary Public, who will stamp and/or affix a seal on the document.
- 3) File all the documents with the Juvenile Court at 108 East Main St., Van Wert, OH 45891, within five (5) days of having the documents signed and notarized.
- 4) Within five (5) days or less of the day the Power of Attorney is notarized, send a copy of the Power of Attorney via **certified mail** to the non-residential parent (the parent who is not the primary custodian of the child). Retain the certified mail receipt, which is to be filed with the Court. *It is best to file this receipt at the same time that the other documents are filed within the Court.*

Note: You do NOT have to send the Power of Attorney via certified mail to the non-Residential parent under the following circumstances (R.C. 3109.55):

1. The parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code. Be prepared to show proof of this to the Court, by way of the Court Order.
2. The parent's parental rights have been terminated by Order of a juvenile court pursuant to Chapter 2151 of the Revised Code. Be prepared to show proof of this to the Court, by way of the Court Order.
3. The parent cannot be located with reasonable efforts. Be prepared to show proof of this to the Court, by way of the efforts you took to locate the parent.
4. The Grandparent Power of Attorney is being created by both parents.
5. The parent is deceased. Be prepared to show proof of this to the Court.

Grandparent Power of Attorney Termination

A Grandparent Power of Attorney does not need to be refiled each year to remain valid, unless one of the following events occurs:

- 1) The Power of Attorney is revoked in writing by the person (parent/guardian/legal custodian) who created it, and the person gives written notice of the revocation to the grandparent designated as the attorney in fact *and* to the Juvenile Court with which the Power of Attorney was filed. Not later than five (5) days after a Power of Attorney is revoked, a copy of the revocation of the Power of Attorney must be filed with the Court in which the Power of Attorney was filed, pursuant to section 3109.74 of the Revised Code.
- 2) The child ceases to reside with the grandparent designated as the attorney in fact.
- 3) The Power of Attorney is terminated by Court Order.
- 4) The death of the child who is the subject of the Power of Attorney.
- 5) The death of the grandparent designated as the attorney in fact.

When the Power of Attorney terminates for any reason other than the death of the grandparent, the grandparent designated as attorney in fact shall notify, not later than one week after the termination, the child's school district, health care providers, health insurance provider, the Court, and the non-residential parent and any other person who would reasonably rely upon the Power of Attorney unless notified of the termination.

PLEASE NOTE: This information is provided as a guideline for persons seeking to file and obtain a Grandparent Power of Attorney. The Court is not providing legal advice or dictating the manner in which to obtain a Power of Attorney. The Court strongly urges individuals to consult with an attorney in regards to any and all legal document preparation and legal questions.

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

IN THE MATTER OF:

(D.O.B.: _____)

CASE NO.: _____
DATE: _____

GRANDPARENT POWER OF ATTORNEY
OHIO REVISED CODE 3109.52-64

I, the undersigned residing at _____, in the County of _____, State of _____, hereby appoint the child's grandparent, _____, residing at _____, in the County of _____, in the State of Ohio, with whom the child of whom I am the parent, guardian, or custodian is residing, my attorney in fact to exercise any and all of my rights and responsibilities regarding the care, physical custody, and control of the child, _____ born _____, having Social Security Number (optional) _____, except my authority to consent to marriage or adoption of the child _____, and to perform all acts necessary in the execution of the rights and responsibilities hereby granted, as fully as I might to if personally present. The rights I am transferring under this Power of Attorney include the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. This transfer does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. This transfer does not terminate my right to have regular contact with the child.

I hereby certify that I am transferring the rights and responsibilities designated in this Power of Attorney because one of the following circumstances exists: (check all that apply)

(1) I am:

- (a) Seriously ill, incarcerated or about to be incarcerated,
- (b) Temporarily unable to provide financial support or parental guidance to the child,
- (c) Temporarily unable to provide adequate care and supervision of the child because of my physical or mental condition,
- (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable, or
- (e) In or about to enter a residential treatment program for substance abuse;

(2) I am a parent of the child, the child's other parent is deceased, and I have authority to execute the Power of Attorney; or

(3) I have a well-founded belief that the Power of Attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child 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.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments to the grandparent designated as attorney in fact. 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.

If there is a court order naming me the residential parent and legal custodian of the child who is the subject of this Power of Attorney and I am the sole parent signing this document, I hereby certify that one of the following is the case: (check all that apply)

(1) I have made reasonable efforts to locate and provide notice of the creation of this Power of Attorney to the other parent and been unable to locate that parent;

(2) The other parent is prohibited from receiving a notice of relocation; or

(3) The parental rights of the other parent have been terminated by order of juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occurs first: (1) one year elapses following the date this POWER OF ATTORNEY is notarized; (2) I revoke this POWER OF ATTORNEY in writing; (3) the child ceases to reside with the grandparent designated as attorney in fact; (4) this POWER OF ATTORNEY is terminated by court order; (5) the death of the child who is the subject of the power of attorney; or (6) the death of the grandparent designated as the attorney in fact.

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.

Witness my hand this _____ day of _____, 20_____.

Parent/Custodian/Guardian's Signature

State of Ohio)
) ss:

County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____,
20_____, by _____.

Notary Public

Witness my hand this _____ day of _____, 20_____.

Parent Signature

State of Ohio)

) ss:

County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____,
20_____, by _____.

Notary Public

Witness my hand this _____ day of _____, 20_____.

Grandparent designated as attorney in fact

State of Ohio)

) ss:

County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____,
20_____, by _____.

Notary Public

Notices:

1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. Of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail.
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child.
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation.
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact 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 other person or entity would reasonably rely on the power of attorney unless notified of the termination.
- (c) The court in which the power of attorney was filed after its creation;
- (d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which the power of attorney was filed.

Additional Information:

To the grandparent designated as attorney in fact:

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 power of attorney. 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 power of attorney unless notified. The notification must be made out later than one week after the child stops living with you.
2. You must include with the power of attorney 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 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.
3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation 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. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that the grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney 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 in the school district.
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, 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 power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.
2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

IN THE MATTER OF:

CASE NO.: _____

DATE: _____

(D.O.B.: _____)

NOTICE OF TERMINATION OF
GRANDPARENT POWER OF ATTORNEY

The child named below lived in my home. I am the child's grandparent.

1. Name of child: _____
2. Case Number: _____
3. Child's date of birth: _____
4. Grandparent's name: _____
5. Grandparent's home address: _____
6. Pursuant to R.C. 3109.60, you are hereby notified that the Grandparent Power of Attorney, previously granting me the authority to exercise rights regarding the above named child has been terminated, effective as of _____

Signature of Grandparent

Date

Notice: Upon the termination of the Grandparent Power of Attorney, the grandparent shall notify, in writing, not later than one week after termination, all of the following:

1. The school district in which the child attends;
2. The child's health care providers;
3. The child's health insurance coverage provider;
4. The Court which granted the Grandparent Power of Attorney; and
5. Any other person or entity that has an ongoing relationship with the child or grandparent, such that the person or entity would reasonably rely upon the Grandparent Power of Attorney unless notified of the termination.

VAN WERT COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

IN THE MATTER OF:

CASE NO.: _____

(D.O.B.: _____)

DATE: _____

**REVOCATION OF
GRANDPARENT POWER OF ATTORNEY**

I am the child's parent, guardian, or legal custodian of the child named below.

1. Name of child: _____
2. Case number: _____
3. Child's date of birth: _____
4. My name: _____
5. My home address: _____
6. My date of birth: _____
7. My Ohio driver's license number or identification card number: _____
8. Pursuant to R.C. 3109.59, I hereby revoke the Grandparent Power of Attorney in which I previously authorized _____ to serve as my child's attorney in fact regarding the care, physical custody, and control of the above named child. By this revocation, all authority created by the Grandparent Power of Attorney is terminated.

Signature of parent/guardian/custodian

Signature of parent/guardian/custodian

Date

Date

Printed name(s) of those persons who executed the Grandparent Power of Attorney:

Not later than five days after a power of attorney is revoked, a copy of the revocation of the power of attorney must be filed with the court with which the power of attorney is filed pursuant to section 3109.74 of the Revised Code.