

Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio



www.communitylegalaid.org

Parenthood Toolkit: Child Custody and Parents' Rights

As a parent, you have many parental rights and responsibilities. These include:

- The right to have physical care and control of your child
- The right to decide where and with whom your child lives
- The right to decide what school your child attends
- The right to control medical decisions for your child
- The duty to protect, train, and discipline your child
- The duty to provide food, shelter, education, and medical care for your child

In Ohio, parental rights are determined by a local court. This court may be called a Juvenile Court or a Domestic Relations Court, or sometimes a Family Court. The court will make decisions about (or “allocate”) parents’ rights and responsibilities, depending on your relationship to the other parent or person involved.

When determining parental rights and custody, **the main question the court asks is: what is in the “best interest” of the child?**

There are many factors the court takes into account to decide this, including:

- Whether you are or were previously married to the child’s other parent. Parental rights can be sought in divorce, dissolution, or legal separation.
- If you are a non-parent, like a relative or spouse. (If you are and you want parent rights or custody, the court must find that the parent is “unfit” to have custody or has abandoned the child.)
- Whether either parent has been violent or abusive toward you or the child.
- Whether either parent has been neglectful of your child or another child.
- Any safety concerns for the child.
- Who the child has lived with for most of their time.
- Who has been the primary caregiver financially, medically, educationally, and more.
- Which parent is more likely to honor visitation time between the child and other parent.
- Geographic factors, like where the child goes to childcare or school.
- Whether either parent intends to relocate especially out of state.

- The physical, emotional and mental health of the child and the parents.
- Recommendations by a guardian (appointed through the court).
- The child's wishes (if the child is old enough for the court to interview).
- Any other factor that is in the best interest of your child.

The court may decide to do a shared parenting plan. **Shared parenting means both parents share legal custody of the child and share decision making powers** for this like education and medical treatment.

Shared parenting does **NOT** necessarily mean that the parents share equal time with the child or that all decision making regarding the child is equal. The shared parenting plan can describe the amount of parenting time each parent has and who makes the final decisions regarding medical care, education, and the physical living location of the child.

If you've never had parental rights and you want them, there are steps you can take. If you are the father, you must first establish paternity if you are not on the birth certificate. You can then ask the court for custody or visitation.

If you have legal custody and are separating from the child's other parent, parental rights and custody will be included in the court orders. These orders can be changed (modified), after the initial order, if circumstances change.

[I'm ready to file my paperwork in court.](#)

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<http://www.communitylegalaid.org/parenthood/toolkit/custody>

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