

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: Change in Custody or Visitation Orders

An Ohio court can only change custody or parenting time from one parent to the other if certain requirements are met.

The court must decide if there has been a “change in circumstances.” This could be with the child, the residential parent, or one of the parents under a shared parenting plan. It must be something new (issues the court has heard and decided already cannot be raised again), and it must have a direct and negative impact on the child.

Examples of changes in circumstances include:

- The mental health of the custodial parent
- Substance abuse or criminal activity of the custodial parent
- Frequent changes of residence
- Abuse of the child
- Neglect of the child or their education
- Failure to grant or follow visitation orders

Once the issue is raised, the court will decide what is in the best interest of the child. (See [this section](#) for an explanation on how the court decides this.)

Ohio law favors keeping the child with the current custodian. The court will only change custody to the other parent if one of the following also applies:

- The residential parent agrees to a change, or both parents under a shared parenting decree agree to a change
- The child, with the consent of the residential parent (or of both parents under a shared parenting decree), has been integrated into the family of the person seeking to become the residential parent
- The harm likely caused by a change is outweighed by the advantages to the child

I'm ready to file my paperwork in court.

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

