

# 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](http://www.communitylegalaid.org)

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## Parenthood Toolkit: Grandparents' and Relatives' Rights

A court can grant visitation rights to a non-parent, such as a grandparent, relative, or other person known to the child. This happens in limited circumstances and may be called “companionship rights,” and there are a couple ways this can happen.

In certain circumstances, **a parent may designate rights to a grandparent** through a power of attorney form without going to court. This is called a Grandparent Power of Attorney.

**If you cannot find the parents for their approval**, a caretaker authorization form may be appropriate.

If the parent does not agree with giving a grandparent or other person time with the child, the court can still decide to grant them, if all of the following apply:

1. The grandparent, relative, or other person must file a **motion** with the court seeking visitation rights.
  - If the parents of the child are going through a **divorce or dissolution**, file the motion in that case. This happens in Family Court or Domestic Relations Court.
  - If the parents of the child **have never been married** and are in court to determine custody, visitation, or child support, file the motion in that case. This happens in Juvenile Court or in Domestic Relations Court, depending on the jurisdiction. It’s important to note that a mother’s relative can file at any time, while a father’s relative can file after paternity has been established.
  - **Upon death of a parent** of the child, file a motion in an existing or old divorce or custody case. If the parents never went to court, file an original complaint in the Domestic Relations Court in the county where the child lives.
2. The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.
3. The court determines that granting visitation rights is in the **best interest of the child**. (See this section for an explanation on how the court decides this.)

The court may interview the child in private. No one should discuss the child's potential statement or coerce the child in any way.

I'm ready to file my paperwork in court.

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