

Community Legal Aid

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



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Grandparent Visitation: The Law

A court can grant companionship or visitation rights to a non-parent in limited circumstances. The court can grant reasonable visitation to a grandparent, relative or other person. In this fact sheet the person is referred to as 'grandparent'.

A Divorce Court can grant visitation to a grandparent if the parents file for divorce, dissolution, legal separation, annulment or child support. A grandparent can file a motion during the court case or any time after a final order is issued.

The motion must be filed in Juvenile Court if the parents of the child are not married. The mother's parents may file at any time. The parents of the father cannot file until paternity has been established.

Either court can grant the visitation if it determines:

- a grandparent has filed a motion seeking visitation; and
- the grandparent has an interest in the child's welfare; and
- visitation is in the child's best interest.

The court may interview the child in chambers. No parent or grandparent should seek a statement from the child.

The court will decide whether to grant visitation based on these factors:

1. The child's prior interaction and relationships with parents, siblings and other relatives;
2. The location of the grandparent's home and the distance to the child's home;
3. The time the child and parents have available. This includes employment, school, holiday and vacation schedules;
4. The child's age;
5. The child's adjustment to home, school, and community;
6. The child's wishes and concerns;
7. The child's health and safety;
8. The amount of time available for the child to spend with siblings;
9. The mental and physical health of all parties;

10. The willingness of the parents and grandparents to reschedule missed visitation;
11. Whether a grandparent has abused or neglected a child;
12. Whether a grandparent has committed domestic violence to a household member.
13. Whether either parent plans to move outside Ohio;
14. The wishes and concerns of the child's parents;
15. Any other factor in the best interest of the child.

The remarriage of a residential parent does not prevent a court from granting reasonable companionship or visitation rights.

This article is meant to give you general information and not to give you specific legal advice. Prepared by Community Legal Aid Service, Inc. Updated April 2012. CE-31-F119-CLAS

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