

TRUMBULL COUNTY FAMILY COURT

INSTRUCTIONS AND INFORMATION FOR CARETAKER AUTHORIZATION AFFIDAVIT AND GRANDPARENT POWER OF ATTORNEY

The law permits grandparents to obtain “physical custody, care, and control” over a grandchild who **lives with the grandparent** in two ways.

1. A Caretaker Authorization Affidavit (“CAA”) is completed by a grandparent who is unable to locate one or both parents after reasonable attempts have been made;
2. A Grandparent Power of Attorney (“POA”) is completed by a parent, guardian or custodian when he or she is temporarily unable to care for the child or believes it to be in the child’s best interest.

Both methods allow the grandparent to:

1. Enroll the child in school;
2. Obtain educational and behavioral information about the child from the school district;
3. Consent to all school-related matters regarding the child; and
4. Consent to medical, psychological or dental treatment for the child.

An executed CAA or POA does **NOT** grant the grandparent legal custody of the child, and may **NOT** be filed if there is an active case pending in either the Domestic Relations or Juvenile Court.

The grandparent must certify that the affidavit is not being executed solely to enroll a child in a particular school district or to allow them to be involved in athletics in that district.

This information was prepared for your convenience. This packet contains information regarding a CAA and POA. You will need to decide which is the proper document to use for your situation. Once you have read through the information, make sure you meet all requirements before selecting a document. Answer all questions completely and accurately. Use BLUE or BLACK ink and type or neatly print all information. In addition to the document itself, each CAA and POA filed with the Court must be accompanied by the following forms:

1. Parenting Proceeding Affidavit (UCCJEA);
2. Juvenile Information Sheet;
3. A copy of the minor child’s birth certificate; and
4. Where applicable, a copy of the deceased parent’s death certificate or obituary.

There is **no** filing fee to file these documents. If you have legal questions regarding this document, please contact an attorney. The Court staff is prohibited from providing you with legal advice or assisting you in the preparation of these documents.

CARETAKER AUTHORIZATION AFFIDAVIT (“CAA”)

R.C. §§3109.65 to 3109.73

A CAA is executed by the child’s grandparent when the child **lives with the** grandparent AND despite reasonable efforts, the parents **cannot** be located, or one of the child’s parents cannot be located or contacted and the grandparent is not required to contact the other parent because:

- (1) paternity has not been established; or
- (2) there is a custody order regarding the child and one of following is true:
 - a. The parent has been prohibited from receiving a notice of relocation in accordance with R.C. 3109.051; or
 - b. The parental rights of the parent have been terminated by the order of a juvenile court pursuant to R.C. Chapter 2151.

A CAA:

1. Must be signed by the grandparent and this signature must be notarized by an Ohio Notary Public; and
2. The executed CAA must be filed within five days of being executed with the Juvenile Court where the grandparent and child reside or any other court that has jurisdiction over the child under a previously filed motion or proceeding.
3. A grandparent who executes a second or subsequent CAA regarding a child who is the subject of a prior CAA must file the POA with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the Court will schedule a hearing to determine whether the CAA is in the child’s best interest.
4. The CAA does not affect the rights of the child’s parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.
5. A person or entity that relies on a CAA, in good faith, has no obligation to make any further inquiry or investigation.
6. The CAA terminates on the occurrence of whichever of the following occurs first:
 - a. The child ceases to live with the grandparent who signs the CAA;
 - c. The parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed the CAA and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days;
 - d. The CAA is terminated by court order;
 - e. The death of the child who is the subject of the CAA; or
 - f. The death of the grandparent who executed the CAA.

7. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's or decision in reliance on the CAA.
8. If the CAA terminated for a reason other than the death of the grandparent, the grandparent who signed the CAA has a duty to notify, in writing, all of the following not later than one week after the date the affidavit terminates:
 - 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 person or entity would reasonably rely on the CAA unless notified of the termination; and
 - c. The court in which the CAA was filed after its creation.
9. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian or custodian would jeopardize the life, health, or safety of the child.

POWER OF ATTORNEY "POA"

R.C. §§3109.52 to 3109.61

A POA is executed by the child's parent, guardian, or legal custodian and the grandparent designated as the attorney in fact. A POA:

1. May be executed when one of the following circumstances exist:
 - a. The parent, guardian, or custodian of the child is:
 - i. Seriously ill, incarcerated, or about to be incarcerated;
 - ii. Temporarily unable to provide financial support or parental guidance to the child;
 - iii. 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;
 - iv. Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or
 - v. In or about to enter a residential treatment program for substance abuse;
 - b. 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
 - c. The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.
2. Must be signed by the parent(s), guardian or custodian of the child and the grandparent authorized to act on behalf of the child and the signatures must be notarized by an Ohio Notary Public.
3. The executed POA must be filed within five days of being executed with the Juvenile Court where the grandparent resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding.
4. A parent, guardian, or custodian who creates a POA must notify the parent of the child who is not the residential parent and legal custodian of the child of the creation of the POA, unless one of the following circumstances applies:
 - a. The parent is prohibited from receiving 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; or
 - d. Both parents are executing the power of attorney.

A receipt showing that the notice of the creation of the POA was sent to the non-residential parent by certified mail **MUST** be filed with the POA.

5. A parent, guardian or custodian who creates a second or subsequent POA regarding a child who is the subject of a prior POA must file the POA 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. On filing, the Court will schedule a hearing to determine whether the POA is in the child's best interest.

6. The POA 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.
7. A person or entity that relies on the POA, in good faith, has no obligation to make further inquiry or investigation.
8. The POA terminates on the occurrence of whichever of the following events occur first:
 - a. The POA is revoked in writing and notice of the revocation is delivered to the grandparent designated as attorney in fact and the juvenile court with which the POA was filed;
 - b. The child ceases to reside with the grandparent designated as attorney in fact;
 - c. The POA is terminated by court order;
 - d. The death of the child who is the subject of the POA; or
 - e. The death of the grandparent designated as the attorney in fact.
9. If the POA terminates for a reason other than the death of the attorney in fact, the grandparent who served as the attorney in fact must notify, in writing, not later than one week after the date the POA terminates, 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 person or entity would reasonably rely on the POA unless notified of the termination;
 - c. The court in which the POA was filed after its creation; and
 - d. The parent who is not the residential parent and legal custodian of the child who is required to be given notice of the creation.
10. If the POA is terminated by written revocation of the person created it, or the revocation is regarding a second or subsequent POA, a copy of the revocation must be filed with the court with which that POA was filed.