

**CUSTODY**  
**COMPLAINT FOR CUSTODY**  
**BY A NON-PARENT**

**INSTRUCTIONS**

Attached are forms requesting that the Court allocate parental rights and responsibilities to you. **ONLY USE IF YOU ARE NOT THE PARENT OF THE CHILD(REN).**

These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and properly before the Magistrate/Judge. These instructions are not intended to be a legal analysis of your request or advice as to whether you should win your request. They are merely to assist you in preparing and presenting your request.

**WARNING**

It is very difficult for a non-parent to be awarded custody. It is a very tough burden of proof. You must prove that **BOTH PARENTS are UNFIT before the Court even gets to the child(ren)'s best interests.** If you do not have proof, do use this packet.

**A. FILLING OUT THE FORMS – TYPEWRITTEN OR IN INK**

1. All of the enclosed forms should be filled out before you go to the Court to file them. The Clerk of Courts' staff will not help you in completing the forms.
2. Complaint for Custody – Fill in the name of the county and court division (i.e. Juvenile, Domestic Relations). You are the Plaintiff, the other parent is the Defendant. Fill in the name, address, phone number and birth date for both parties. Leave the line after CASE NO., JUDGE, and MAGISTRATE blank.

You must have a valid address for the Defendant(s) where the Clerk's office can mail the Complaint. If you do not have a valid address for the Defendant(s) you should not file the papers. The Court has no authority to grant your complaint unless the Defendant(s) has been served with a copy of it and has had a chance to respond.

In paragraph 1, fill in your name and your relationship to the child(ren), and the name of the father and mother of the child(ren). Fill in the child(ren)'s name(s) and date(s) of birth.

In paragraph 2, check the appropriate box and fill in the case number and the name of the court if paternity was done in court. If paternity was done administratively through the Child Support Enforcement Agency, leave those two lines blank and fill in the administrative case number on the third line.

In paragraph 3, list your reason(s) for wanting custody. Be specific enough so that the Magistrate/Judge will know from reading your Complaint the main reasons why you feel that it is in the child(ren)'s best interests for you to obtain custody.

Sign above Plaintiff.

Under **Instructions for Service**, sign and fill in your telephone number.

3. **Entry** – Fill in the county, court division, and name of the Plaintiff and Defendant.
4. **Information for Child Custody Proceeding** – This is a required form. Fill in your name and the name of the county and court division. You are the Plaintiff and the other party is the Defendant. Fill in the requested information for each child. Answer questions 2 through 7. **Do not sign the Affidavit until you are in front of a notary.**
5. **Application for Child Support Services**- fill in your name as the person requesting services. Fill in the county you are requesting services from. Fill in the information requested in the application information block. On the second page, fill in the requested information. **NOTE: You do not need to fill out this form if you are on OWF.**
6. **Financial Disclosure/Affidavit of Indigency**- Detailed instructions attached.
7. Remove the instructions sheets and make three copies of each page of each form.

## **B. FILING THE COMPLAINT**

1. After the forms are filled out and copies, YOU MUST TAKE THEM to the Clerk of Court's office to be filed.
2. When you file your Complaint, the Clerk's office staff will take the original and three copies of your papers. You should ask the Clerk to time-stamp your copy of the Complaint and accompanying forms. This will be your proof that you filed the originals. The Judgment Entry will not be file-stamped at this time.

**This is a regular civil case. The Defendant will be given 28 days from the date he or she receives the papers to respond.**

## **C. PREPARATION FOR THE HEARING**

1. You should present a neat appearance to the Court. The Court will not permit anyone to appear in court if he or she is wearing any of the following items of clothing; a hat, shorts, sandals, sleeveless shirts, tops or blouses, clothing

displaying indecent language or pictures, or clothing with large rips and holes. Make sure that your witnesses know this and comply with these requirements.

2. You must be prepared for the hearing. You should have with you any witnesses that you wish to use to support your request. You should also bring any papers or other physical evidence that you want the Magistrate/Judge to see. **It is your burden to prove that the acknowledgment should be rescinded (cancelled).**
4. **Any evidence intended to be presented to the Magistrate/Judge from social media or from a cell phone must be printed prior to the hearing. Please review the Representing Yourself In Court A Citizens Guide, prior to attending the hearing.**
5. **VERY IMPORTANT: This is not the time to tell the Magistrate/Judge everything that the other person has done that you disagree with or that has hurt or angered you. The Magistrate/Judge will only want to hear the evidence that you have that shows that the acknowledgment should be rescinded. Be prepared to limit your testimony to those points raised in your written request.**
6. At the hearing, you may be asked questions by the Magistrate/Judge or by the other party or by an attorney. Directly respond to the questions. Listen to the question; make sure that you understand the questions; and answer the question. If you do not understand the question, ask to have the question explained to you before answering it. Never answer a question you do not understand.





Wherefore Plaintiff prays, pursuant to Ohio Revised Code 3109, that he/she be awarded legal custody of the above named child(ren).

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS FOR SERVICE**

**TO THE CLERK:**

Please issue a Summons and serve a copy of the Complaint for Custody and all ancillary papers on the Defendants at the addresses set forth in the caption by CERTIFIED MAIL SERVICE, return receipt requested with a return thereof as required by law. Please also serve a copy of the Complaint to the Muskingum County Department of Job and Family Services, Child Support Division by ordinary U.S. Mail.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Telephone Number

**IN THE COMMON PLEAS COURT OF MUSKINGUM COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION**

Plaintiff	)	
	)	Case Number _____
vs	)	Judge: Maria N. Kalis
	)	Magistrate: Stephanie L. Williams
Defendants	)	<b><u>ENTRY</u></b>

Pursuant to request of Plaintiff and for good cause shown, it is hereby ORDERED that the Complaint for Custody be accepted without prepayment of the costs.

\_\_\_\_\_  
Judge / Magistrate

Copy: Plaintiff