Family Court Services
Lorain County Domestic Relations Court
Juvenile Division
225 Court Street
Elyria, 0H 44035
(440) 326- 4846

Unmarried Parents

&

The Court Process UNDERSTANDING & HELPING YOUR CHILD

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INTRODUCTION

Ending a relationship with the parent of your children can be a difficult and stressful time for parents as well as children. Maybe you were never in a relationship with the other parent and now you have to figure out how to coparent. Parents are attempting to manage their own lives and the changes they are experiencing emotionally, financially, socially, and legally. At the same time, parents are also called upon to support their children and make decisions that are best for the children.

Lorain County Domestic Relations Court Judges decided that there was a need to provide those citizens in the process of divorce with pertinent information, likewise, parents who were never married to each other. Hopefully, this information would assist parents so that they might proceed with ending their relationship in a healthier manner and, therefore, lessen the negative impact that ending the relationship can have upon the children.

Therefore, a "Seminar for Unmarried Parents" was designed and implemented for the citizens pursuant to Juvenile Rule 9. All parties filing initial actions relating to paternity or the allocation of parental rights and responsibilities shall attend an educational seminar for parents sponsored by the court. Seminar attendance may also be required by order of the court after the filing of motions concerning the modification of parental rights and responsibilities and modification or enforcement of parenting time.

The following issues will be covered:

- A Child's Needs
- What kids feel
- Co-Parenting tips
- The Court Process
- Court terms
- Family Court Services
- Parenting Apps and Resources

YOU'RE A MOM OR DAD

You are a parent, married or not.

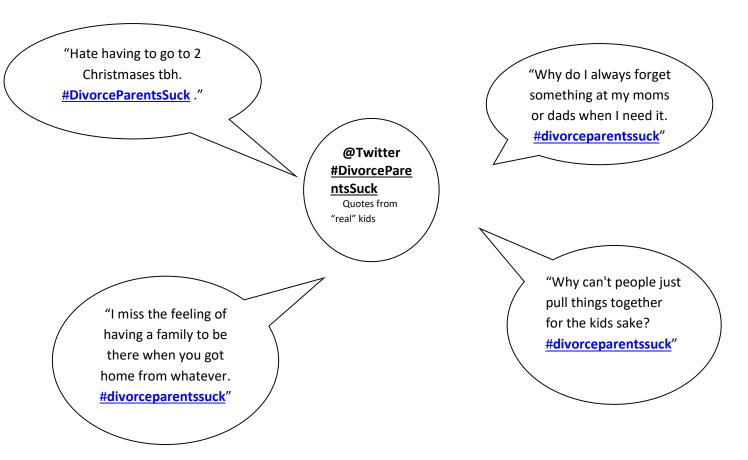
Even if your own relationship ends – you are always a mom or dad. Your child needs and deserves both of you.

That can be tough. But the life of your child can be forever changed by your actions.

Now is the time to understand and help your child.

As an unmarried father or mother, you have legal rights and obligations to visit your child. Together, work out a parenting time schedule. If you don't --the court will do it for you.

Remember – Custody, Parenting Time, and Child Support are separate issues. Even if a parent does not receive Child Support payments, it shall not prohibit parenting time with the child.



A Child Needs ...

to know and love both mother & father – married or unmarried.

A child who doesn't visit or know about his father or mother may search him or her out later in life.

This desire is deep and strong.

We need to help our children know who they are –

and where they came from.

Parents to Take Responsibility

You've helped create a child. Provide what he or she needs – whether it's a secure home or child support payments.

Parents to Cooperate and Encourage Parenting Time

Parenting time is the best way for children to know the other parent. If this is not possible, use phone calls, Facetime, Skype, or photos.

Tell the Truth

Tell your children why parents don't live with each other. They need to know their real father and mother. Do not let the child think that a significant other is their biological parent when he/she is not. Make sure your children know the difference between biological parents, stepparent (s), and a parent's significant other.

Say something good about the other parent

Children feel they are a part of Mom and Dad. They are deeply hurt when they hear the other parent put down.

"Haven't seen my mom in a week

"My parents consistently argue about stupid sh*t

"I miss the feeling of having a family to be there when you got home from whatever.

What Kids Feel ...

"My mom and dad never got married. But I love both of them."

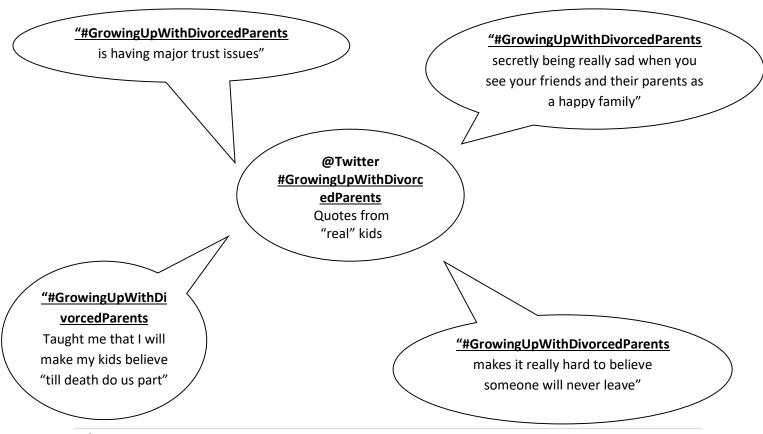
"I don't know anything about my dad. I wish my mom would tell me – was he funny, what kind of music did he like?"

"I live with my grandparents. But I miss my mom a lot. Why don't they show me pictures of her when she was a kid?"

"I always feel like I'm weird or something – because my mom and dad never got married. But nobody wants to hear how I feel."

"When my mom got a new boyfriend, she told me he was my dad. I wish she had told me the truth – from the time I was a baby."

"My dad won't take me to see my mom ... or even let me talk to her – he's too mad at her. He just thinks about himself – not me."



CO-PARENTING

"This is probably one of the most difficult challenges any parent could face, learning to love the other parent enough to make the children first."

-Iyanila Vanzant

Obstacles to Avoid While Co-Parenting:

A Resisting Communication

Forcing children to act as a messenger based on the refusal of communication among parents.

Discussion of Financial Matters

Basing the relationship of one parent with their children on if they pay child support or not.

& Character Assassination

Stating negative comments to win the child's affection by alienating the other parent. These comments can cause children to interpret them as a perception of themselves.

& Confrontation in Front of Children

Verbal and/or physical confrontations between the parents, especially in front of the children, should be avoided.

❖ Power Struggle or Need to Control

One parent refusing to allow the other parent to see the children unless they adhere to specific demands. Parents should not try to control the other's lifestyle unless abuse, neglect, or safety of the children is involved.

♦ Making Allies

A parent attempting to set up an alliance with the children by convincing them that the divorce was the other parent's fault.

❖ Inquisition

Interrogating the children to get information about the other parent either out of curiosity or because there is difficulty terminating the marital relationship.

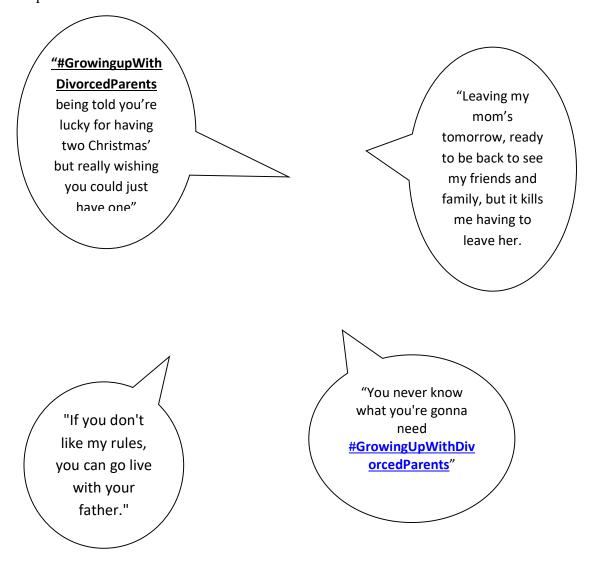
CO-PARENTING - CONT'D

❖ Parental Absence

A parent becomes uninvolved in their child's life because he/she believes it is the best for the children or because it is emotionally difficult for that parent.

& Bribery

Out of guilt, insecurity, or anger, a parent may buy/give the children an abundance of materialistic things and/or special outings. This act causes the relationship between that parent and child to be based on material things and not a genuine relationship with that parent.



FACTS

In Ohio, when a child is born to an unmarried woman, she has sole custody of the child at birth, at least until the father has a court order giving him his father's rights.

❖ Ohio Revised Code 3109.042 says that an unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian.

THE COURT PROCESS

WHAT IS COURT LIKE?

Courts are very traditional. Judges and Magistrates expect people to act, dress, and speak in a way that is respectful to the judicial process. You should follow these guidelines when preparing to attend a court hearing:

- ❖ Be on time and check in with the Assignment Commissioners when you arrive. If you are running late, phone the court to let them know.
- ❖ Dress neatly and appropriately. You should not wear flip flops, shorts, torn clothing, clothing with inappropriate pictures or words, short skirts or short dresses, or anything exposing the stomach. Baseball hats or other caps must be removed before entering the courtroom.
- Turn off any electronic devices before entering the courtroom.
- ❖ Unless ordered to by the court, you should not bring your children with you.

DO I NEED TO HIRE AN ATTORNEY?

Lorain County Domestic Relations Court does not provide a court-appointed attorney for private actions. If you wish to hire an attorney, you may. You may also decide to represent yourself in court.

If you choose to represent yourself (also known as proceeding pro se), you take full responsibility for your case. You will be responsible for handling all filings, fees, meeting all deadlines, and gathering evidence and witnesses for your case. If you decide to proceed **pro se**, here are some helpful tips:

THE COURT PROCESS CONT'D

- ♦ Look up the local court rules to make sure you are following them. Most can be found on the court's website, or in the clerk's office.
- ♦ Make sure your filings meet the local standards. Your court may have pro se forms that are available for use. Contact your local clerk's office for information and cost.
- ♦ Make sure you serve a copy of your documents on the opposing party and report it to the court.
- ♦ Observe all deadlines and respond on time to any requests from the court or other attorney.
- ♦ Make sure any evidence you want to use, or witnesses you want to call, are acceptable for the hearing.

WHAT HAPPENS DURING A COURT HEARING?

When it is time, the court officer will call the case. You will be asked to sit at a table in the courtroom. Everyone stands when the judge or magistrate enters, and the case will begin. You will be instructed when it is your turn to speak and provide information. Each side will be given a chance to speak and ask questions of any witnesses, as well as provide evidence for consideration. If you are bringing documents to use as evidence, make sure to bring copies for the court and for the other party too.

Remember to show respect for the court and court process. Do not interrupt or shout in the courtroom. If you disagree with something, you may make an objection to the court.

WHAT IS THE ROLE OF THE JUDGE OR MAGISTRATE?

- The judge or magistrate may not help you present your case. When you represent yourself, you take on the full responsibility of presenting your case.
- The judge or magistrate may not speak with you about your case when the opposing party is not present.
- The case will be decided on the basis of the facts presented during the proceedings and the applicable law. Sometimes the law dictates which facts the judge may and may not consider. You need to make sure you present the facts that the law requires or permits.

WHEN WILL I BE NOTIFIED OF THE RESULTS?

Decisions are not always made right away. A judge or magistrate may issue the decision sometime after the hearing. Decisions will always be made in writing, filed with the clerk's office, and signed by the Judge or Magistrate. Make sure you

THE COURT PROCESS CONT'D

read the entry when it is issued. You may have the right to object and/or appeal if you do not agree with the outcome.

If you and the other party reach an agreement prior to or at the hearing, you may be ordered to provide the court with the agreement in writing (this is also referred to as an Agreed Judgment Entry) and submit it for court approval. Make sure to follow the local rules for filing your entry.

WORDS YOU MAY NEED TO KNOW

Allocation of Parental Rights and Responsibilities-

The determination made by a court as to where the children will live and the rights and responsibilities of the parents to the children. Also known as "allocation order."

❖ "Best Interests of the Child"

When parenting issues are decided, the judge determines what is best for the child based on all the information.

♦ Chambers –

The Judge's private office.

❖ Contempt of Court −

When a person intentionally fails to comply with the order or directives of the Court.

❖ Contested –

Any issue on where you and your spouse cannot agree. A contested

divorce is one where the Court will decide on the parties' claims.

❖ Co-Parenting –

Parents working together to raise a child, even when they are not married and do not live together.

❖ Court Order −

A written order made by a Judge that must be followed.

Custodial Parent –

The parent who has physical custody of the child.

❖ Custody –

The right of a parent to make major decisions for the children.

❖ Defendant/Respondent –

The person who receives the complaint for divorce.

WORDS CONT'D

❖ Docket –

The Court's calendar schedule which will tell you when your case is set for certain hearings.

❖ Discovery –

Disclosure of pertinent factual information.

❖ Exchange –

Pick-up and drop-off of a child between parents or other caregivers.

♦ Hearing –

A scheduled appearance in court.

♦ Holiday Schedule –

A part of the parenting schedule that specifies how children will spend holidays with each parent and defines each holiday so both parents know when the holiday begins and ends.

❖ Joint Custody –

A term no longer used in Ohio. See Residential Parent, Shared Parenting and Sole Residential Parent.

❖ Motions –

Written or verbal appeals to the court for some sort of relief, such as alimony, child custody, child support, attorney's fees, etc.

❖ Motions to Modify –

A motion heard by the Court requesting that changes be made in physical or legal custody, or in child support payments, thus modifying the existing arrangement.

❖ Non-Custodial Parent –

The parent with whom the child is not physically living with.

Parental Rights and Responsibilities –

The rights and responsibilities of a parent to determine and control matters affecting a child's welfare and upbringing, as well as contact with a child. Parental rights and responsibilities can be allocated in the following ways: *shared parenting* or *sole residential parenting*.

❖ Parenting Order –

A court order that states when the child will be with each parent and who will make decisions. The parenting order may be developed by the parents on their own or with the help of a professional, such as a mediator, an attorney or a judge.

WORDS CONT'D

❖ Parenting Time –

The time a child spends with a parent according to the parenting time schedule.

❖ Paternity –

A legal action that results in a court order naming the child's father.

❖ Plaintiff/Petitioner –

The person who files the complaint for divorce.

❖ Residential Parent –

The parent with whom the child physically lives according to a court order. In a shared parenting plan "residential parent for school purposes" or "school placement parent" is the parent in whose school district the child can attend school.

❖ Rules of Court –

A set of rules that control court procedures. The Ohio Rules of Civil Procedure apply to divorces and

dissolutions. Individual courts may have local rules of practice.

❖ Shared Parenting- Both parents share making major decisions for their children, unless stated otherwise in the Shared Parenting Plan. It does not necessarily mean equal time with each parent.

❖ Shared Parenting Plan –

The document that states how the parents will make decisions for their children and the parenting time schedule.

❖ Trial –

A formal hearing with witnesses and evidence. (See *Hearing*.)

❖ Visitation –

A term for parenting time that is not preferred.

❖ Visitation, Parenting Time – Words used to describe the schedule of time a child has with each parent.

Lorain County has options for parents who need an attorney or legal expertise, but cannot afford it:

(1) Waiver of costs if indigent

(2) Lorain County Bar Association Modest Means Program

(3) Legal Aid Pro Se Clinics

Modest Means Program

The Lorain County Bar Association is excited to be able to offer the Modest Means Program ("MMP"), which is a much-needed service to the community and to the members. At this time, the only areas of practice for the MMP are family law, landlord/tenant, foreclosure and consumer law (debtor only). (Family law includes: dissolution, divorce, post-decree support, post-decree contempt, post-decree custody, child custody and support, etc. Additionally, unbundled services are also offered at a reduced rate.)

This program is geared to assist low-income individuals in the Lorain County area living paycheck to paycheck that cannot afford market rate legal representation or a large retainer fee. This program will match up these individuals with an attorney that is willing to assist them with their legal needs for a reduced fee.

Individuals who are eligible to participate in the MMP must meet the eligibility requirements set forth by the Lorain County Bar Association, which is up to 200% of the federal poverty guidelines. If the LCBA determines that you are financially eligible and legal aid or pro bono services are unavailable, you will be referred to an attorney that is participating in the MMP. The program keeps a rotating list of attorneys who are willing to accept cases at a reduced rate of \$75 per hour and a reduced retainer of \$500. Please remember that the referral is not for a pro bono (free) attorney. The client will be required to pay the reduced rates.

The LCBA will forward to the client the Financial Disclosure Statement that is to be filled out completely and returned to them along with the required documentation. Once they receive the completed financial statement, they will advise you if you are eligible and, if so, provide you with the name and contact information of an attorney.

For attorneys that join the MMP as a referral source, you will not only help out members of the community that would otherwise have nowhere to turn, you will gain valuable experience, expand your client base, establish yourself in the legal community, and maintain a steady work flow.

Please contact Jeannie or Tammie at the LCBA office (440-323-8416) for more information on this program. <u>Download Financial Disclosure Statement Form</u> »

htpp://lorain.countybar.org/Resources/Documents/financial_disclosure.doc

Uniform Ohio Domestic Relations Forms for PRO SE Litigants

The Domestic Relations Forms may be completed online and printed. The PDF files may also be downloaded to your computer. It is suggested that you download the latest version of Acrobat Reader. The forms are also available as Word documents, by clicking on the Word link beside each form.

OHIO SUPREME COURT

http://www.supremecourt.ohio.gov/jcs/cfc/drforms/default.asp

LORAIN COUNTY BAR ASSOCIATION

Modest Means Program Lawyer Referral Service (440) 323-8416 www.loraincountybar.org

LEGAL AID SOCIETY

(440) 324-1179 (888) 817-3777 www://lasclev.org/

LORAIN COUNTY DOMESTIC RELATIONS COURT

Local Rules

www.loraincounty.com/domesticrelations/court-rules/

Please remember that preparing the appropriate forms with the appropriate information is only the first step in the Court process. If you are representing yourself, you are held to the same standard as an attorney and will have to become knowledgeable about the applicable Ohio Rules of Civil Procedure, Ohio Rules of Evidence, all applicable statutory laws, and Local Rules of the Court. Additionally, you will be required to prepare the final judgment entry with all the applicable forms in an accurate and legal format.

DISCLAIMER: Please be aware that these forms do not include instructions or legal advice regarding your rights, responsibilities, and legal options. To be fully informed and get answer to your questions, you seek the advice of an attorney.

Standard Order of Parenting Time

- A. Alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m., commencing the first weekend after the date of filing the journal entry.
- B. One midweek day from 5:00 p.m. to 8:00 p.m. If the parties cannot agree upon a day for the midweek parenting time it shall be Wednesday.
- C. For the purpose of parenting time, there are ten (10) holidays as follows:

1. New Year's Day

6. Fourth of July (Noon 7/4 until noon 7/5)

2. Martin Luther King Day

7. Labor Day

3. President's Day

8. Thanksgiving

4. Easter

9. Christmas Eve

5. Memorial Day

10. Christmas Day

In the odd-numbered years, the mother shall have the children on odd- numbered holiday; and the father shall the children on even-numbered holidays. In the even-numbered years, the father shall have the odd-numbered holidays; and the mother shall have the even-numbered holidays. Holiday parenting time shall supersede regularly scheduled parenting time and is from 9:00 a.m. to 8:00 p.m., unless otherwise noted above.

- D. The alternating weekend parenting time sequence shall not be interrupted as a consequence of the holiday schedule. If the weekend immediately preceding a Monday holiday and holiday parenting time are both scheduled with the same parent, holiday parenting time shall commence Friday at 6:00 p.m. and end Monday at 8:00 p.m. Should the parent having the Thanksgiving holiday also have the weekend immediately following the holiday, holiday parenting time shall commence Thursday at 9:00 a.m. and end Sunday at 6:00 p.m.
- E. On Mother's Day and Father's Day no matter whose weekend for parenting time, children will be with the appropriate parent.

- F. For children of school age the parents shall split the Winter vacation from school in the following manner:
 - The parent designated to have the Christmas Eve holiday shall have the children for the first half of the winter vacation, beginning 9:00 a.m. the day immediately following the last day of school until December 24th at 8:00 p.m.
 - The parent designated to have the Christmas Day holiday shall have the second half of the winter vacation, beginning 8:00 p.m. December 24th until 8:00 p.m. December 31st.
- G. For children of school age the parents shall alternate the Spring vacation from school in the following manner.
 - The parent designated to have the Easter holiday shall have the children from 9:00 a.m. the day immediately following the last day of school until 8:00 p.m. the day prior to reconvening of school. Spring vacation parenting time will supersede any regular weekend visitation.
- H. Four (4) weeks of parenting time each summer. Notice shall be given to the other parent of the dates of intended parenting time thirty (30) days in advance of such parenting time. The parent exercising extended summer parenting time has priority in scheduling over the other parent's choice provided the thirty (30) days notice is given, unless the other parent's vacation choice is an annual mandatory shutdown of their place of employment. If either parent chooses to exercise extended summer parenting time for three or more consecutive weeks, the other parent is entitled to exercise their alternating weekend parenting time schedule during that time period, unless the extended summer parenting time involves travel out of the local area.
 - 1. Children are to be in the residential home for school purposes one week before commencement of the school year. No extended summer parenting time is to be scheduled by either parent for the week prior to commencement of school.
 - 2. Children not of school age may go for extended parenting time throughout the year, provided the parents comply with the thirty (30) day notice requirement.
- I. Children shall celebrate their birthday in the home of the residential parent for school purposes, unless it falls on a day when the other parent is exercising parenting time. The other parent may make up for the birthday with a separate birthday party if desired.
- J. Such additional times as may be agreed between the parties.
- K. Absent reasonable notice and good cause for delay, children and/or the other parent have no duty to wait for the other parent for more than thirty (30) minutes of a scheduled parenting time. A parent who is later than thirty (30) minutes without reasonable notice and good cause for delay shall forfeit that scheduled parenting time.

- L. The parent exercising parenting time is responsible for transporting their children to and from the other parent's residence. If the parent is unavailable for the pick up or return of their children, an alternate driver may be used provided that driver has a valid driver's license and is known to the children. Any person transporting children must adhere to all child restraint laws. Both parents are expected to have their own child restraint devices. No person transporting children may be under the influence of drugs or alcohol.
- M. If either parent intends to move from his/her current residence. That parent shall file a notice of intent to relocate with the court pursuant to Ohio Revised code Section 3109.051(G)(1).

FAMILY COURT SERVICES

The mission of the department of Family Court Services is to serve the best interests of the child and his/her family. Families and children are involved with the department by order of the Court when the parties are involved in divorce action, dissolution allocation of parental rights and responsibilities (custody), or when parenting time is an issue.

HOME INSPECTION

A home inspection may be ordered by the Court. Family Court Services will go to both parties' homes and give a detailed report to the Court of the contents and condition of the homes. This service is for parties who have concerns about the living arrangements, conditions or safety of the home, and are currently involved with the Court. A court order is required for this service.

INVESTIGATION REPORT

An investigation may be ordered by the Court. Family Court Services will provide assistance by investigating all pertinent parties involved in the case and submit a detailed report to the Court. All pertinent parties will be interviewed in the Family Court Services Department, and background information will be gathered. If desired, Family Court Services will develop and recommend a parenting time schedule. This service is for parties involved with the Court. A Court Order is required for this service.

MEDIATION

The purpose of Mediation is to use alternative methods to dispute resolution to design residential placement/parenting time agreements that are in the best interests of the family and developed by the parents. This is done by assisting the parents in defining issues of dispute and designing individual parenting agreements.

CO-PARENTING APPS

Listed are several Online Apps that can help co-parents. The app puts all communication and information about the child/ren in a central location for the co-parents. The apps allow co-parents to communicate online, share calendars, change/schedule exchanges, share medical information, update contact information, share expanses, reminders, events, journal, etc.

Some of the apps allow you to request certified copies of communication exchanges for legal purposes. Some apps have a higher cost than others. Look into the different apps available and use the one best suited for your situation.

- Our Family Wizard
- Coparently
- Cozi
- Talking Parents
- 2Houses
- Kidganizer
- Custody Junction
- AboutOne
- Skedi
- SharedCare
- Parentship
- FamCal
- Parenting Apart
- Custody Connection
- AppClose
- Fayr
- Co-Parent Central
- Google Calendar

Parenting and Divorce Books

Parenting Apart: How Separated and Divorced Parents Can Raise Happy and Secure Kids- by Christina McGhee

Parenting After Divorce: Resolving Conflicts and Meeting Your Children's Needs- by Philip Stahl, PhD.

Putting Children First: Proven Parenting Strategies for Helping Children Thrive Through Divorce- by JoAnne Pedro-Caroll, PhD.

Mom's House, Dad's House: A Complete Guide for Parents Who Are Separated, Divorced, or Remarried- by Isolina Ricci, PhD.

Co-Parenting Works!: Helping Your Children Thrive after Divorce- by Tammy
G Daughtry

The Co-Parenting Handbook: Raising Well-Adjusted and Resilient Kids from Little Ones to Young Adults through Divorce or Separation- by Karen Bonnell and Kristin Little

Talking to Children About Divorce: A Parent's Guide to Healthy Communication at Each Stage of Divorceby Jean McBride, MS, LMFT

For Children

Living with Mom and Living with Dadby Melanie Walsh (3-7 years)

Why Can't We Live Together?: The Kid-Sized Answer To A King-Sized Question About Divorce- by Madison Lovato and Lucas Lovato (4-7 years)

The Weekend Kid- by Denice Deveaux-Rowe (4-8 years)

Divorce Feels Yucky!: The Kids' Secret To Feeling Better- by Madison Lovato and Lucas Lovato (4-10 years)

When Your Parents Divorce: A Kid-to-Kid Guide to Dealing with Divorce- by Kimberly King (6-12 years)

Divorce Is Not the End of the World: Zoe's and Evan's Coping Guide for Kidsby Zoe Stern and Evan Stern (8-12 years)

Teen Survival Guide to Parent Divorce or Separation: A Teen First Self-Guided Workbook- by Jeremy D. Jewell, PhD. (12-17 mars)

