



# ASHLAND COUNTY COURT OF COMMON PLEAS

Probate and Juvenile Division

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## CHILDREN OF UNMARRIED PARENTS

### Common Questions and Answers

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#### **Legal Terms to Know:**

**Custody:** A legal status which allows a parent to make legal decisions about a child, including enrolling the child in school, obtaining medical treatment and deciding who the child associates with.

**Parenting Time:** The time that a parent spends with his or her child.

**Paternity:** A legal determination of who is the father of a child.

**Shared Parenting:** A parenting plan by which the parents share legal responsibility for a child. The plan must specify parenting time, the residential parent for school purposes, the support of the child, the health care of the child and the allocation of the tax dependency exemption for the child.

#### **Sole Allocation of Parental Rights and**

**Responsibilities:** A parenting plan in which only one parent is legal custodian of the child. The other parent's parenting time is specified in the plan, together with provisions about the support of the child, the health care of the child and the allocation of the tax dependency exemption for the child.

#### **Who has legal custody of a child born to unmarried parents?**

In Ohio, the mother of the child has legal custody of the child until a Court makes an order for custody of the child.

#### **Does the father of a child born to unmarried parents have any legal rights?**

Both parents should make every effort to cooperatively co-parent their child because failing to do so may be considered a reason not to award custody to the non-cooperating parent. However, technically, in Ohio, fathers of children born to unmarried parents do not have any enforceable legal rights until they obtain a court order.

**How does a father or mother go about obtaining a court order regarding their child if they are not married?**

The Ohio Supreme Court has created forms that parents may use to file a new case about a child, or to seek modification of existing orders regarding a child. Digital packets of the required forms can be found on the Court's website at: [acjuvenileprobate.org/forms.php](http://acjuvenileprobate.org/forms.php)

**Is there a filing fee to file the forms?**

The Court does charge a filing fee of \$175 for custody/parenting time/paternity cases and \$125 for child support/contempt/other proceedings. If you cannot afford to pay the filing fee, you may file a financial affidavit and a request that the Court waive or reduce the filing fee. The forms can be found on the Court's website at: [acjuvenileprobate.org/fees.php](http://acjuvenileprobate.org/fees.php)

**How does a parent establish paternity of the child if the parents are not married?**

Paternity can be established three (3) ways in Ohio:

1. An acknowledgment of paternity signed by both parents if neither of them questions paternity of the child. Further information about acknowledgement of paternity can be found at: [oh-paternity.com](http://oh-paternity.com). An acknowledgment of paternity has legal consequences and both parents should be fully informed about those consequences before executing the acknowledgment.

2. An administrative determination of paternity through genetic testing by the local child support enforcement agency. (In Ashland County, Ohio, this is the Ashland County Child Support Enforcement Agency - (419) 282-5000)

3. A Court Order establishing paternity. To pursue a court order establishing paternity, the parent must file a paternity case using the standard court forms created by the Ohio Supreme Court and available by link from this Court's website.

**Can I seek a court order for child support, custody or parenting time before my paternity of the child is established?**

No - you must first establish paternity of the child. After paternity is established, you may then ask the Court to enter custody, parenting time and child support orders for the child.

**Can I obtain a child support order for the child without establishing custody or parenting time first?**

Yes - the Ashland County Child Support Enforcement Agency can administratively establish a child support order and health care order for the child. Alternative, you can ask the Court to establish those orders. Frequently, if the mother of the child requests establishment of a child support order, the father of the child will respond by seeking a custody or parenting time order. The Ashland County CSEA cannot address custody and parenting time, so those requests must be filed with the Court.