

## PLAIN-ENGLISH GUIDE

# Family Law in Belmont County

A plain-English map to family court in Belmont County: which court to use, what to file, what it costs, and where to get help when you need it.

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- 01** Find the right court before you fill out a single form — three courts sit in one St. Clairsville courthouse.

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  - 02** Tell a dissolution apart from a divorce, and married-parent custody apart from juvenile-court custody.

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  - 03** See the forms, fees, deadlines, and local steps that most often slow Belmont County filings down.

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  - 04** Pick a next step that fits your situation, your budget, and how much help you actually want.

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## INSIDE THIS GUIDE

Start with the court, then the path, then the paperwork.	3
Three courts, one courthouse in St. Clairsville.	4
Domestic Relations: divorce, dissolution & married-parent cases.	5
Dissolution: ending a marriage you both agree on.	6
What you file, what it costs, and what happens next.	7
Divorce: when you don't agree, or need the court to act.	8
Belmont's local forms layer onto the state forms.	9
Learn the words Ohio actually uses.	10
How the number is set, paid, and changed.	11
Equitable does not mean equal.	12
Rules for money, the house, and the kids while the case is open.	13
After the decree, you go back to the same case.	14
Two narrower paths — and what they are not.	15
A court order to stop threats, abuse, or stalking.	16
A few habits that help more than they seem to.	17
Juvenile Court: custody when parents were never married.	18
Two separate steps, in the right order.	19
Time with a child — for parents and for relatives.	20
Two very different situations.	21
Probate Court: stepparent & kinship adoption.	22
How Gavvl Law can help.	23
Three easy ways to get started.	24
The fine print, in plain language.	25

## HOW TO USE THIS GUIDE

# Start with the court, then the path, then the paperwork.

Most family-law problems get simpler once you can name three things: which court handles your issue, which path fits your situation, and what you need to file. This guide is built around those questions. Here is how Belmont County splits the work.

## MARRIED OR FORMERLY MARRIED

## General Division

Divorce, dissolution, legal separation, annulment, spousal support, and the property, support, and parenting issues inside those cases — plus civil protection orders. A Magistrate hears the domestic-relations docket. You file with the Clerk of Courts.

## PARENTS NEVER MARRIED

## Juvenile Court

Parentage, custody, parenting time, and child support when the parents were never married to each other, plus changes to those orders. A combined Probate & Juvenile Court under one judge.

## ADOPTION

## Probate Court

Stepparent and kinship adoption, name changes, and marriage licenses. Same judge as Juvenile Court, same courthouse. Adoption permanently changes a child's legal parents.

## READ THIS FIRST

**This guide is information, not legal advice.**

It explains how things generally work in Belmont County, but it can't account for the facts of your situation. Reading it, downloading it, or contacting Gavvl Law does not make you a client or create an attorney-client relationship. Only a signed engagement agreement does that. For advice about your own case, talk with a licensed Ohio attorney.

## YOUR COURTS AT A GLANCE

# Three courts, one courthouse in St. Clairsville.

Belmont County's family-law courts all sit at 101 West Main Street, St. Clairsville, OH 43950. Court hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.

COURT / OFFICE	WHO & PHONE	ONLINE
Common Pleas, General Division (divorce, dissolution, support, protection orders)	Judges Frank A. Fregiato (740) 699-2137 & John A. Vavra (740) 699-2138 · Magistrate, who hears the DR docket, (740) 695-2121 ext. 1082	<a href="http://belmontcountycocmmonpleas.org">belmontcountycocmmonpleas.org</a>
Clerk of Courts (you file divorce and DR papers here)	Laura Zupko · Legal Division, 3rd floor · (740) 699-2169	<a href="http://belmontcountycoc.org">belmontcountycoc.org</a>
Juvenile Court (unmarried-parent custody & support)	Hon. Albert E. Davies · (740) 699-2141	<a href="http://belmontcountyohiocourts.com">belmontcountyohiocourts.com</a>
Probate Court (adoption, name change, marriage)	Hon. Albert E. Davies · (740) 699-2144	<a href="http://belmontcountyohiocourts.com/probate-court">belmontcountyohiocourts.com/probate-court</a>
Child Support Enforcement Agency (CSEA)	Belmont County DJFS · (740) 695-1075 option 8 · 68145 Hammond Road, St. Clairsville	<a href="http://belmontcdjfs.com">belmontcdjfs.com</a>

## The one local thing to know first

Belmont County has no general e-filing portal for family law. You file your papers in person or by mail with the Clerk of Courts on the 3rd floor, and a Magistrate — not the judge — hears divorces, dissolutions, support, and protection orders. You can look up case records online at [eservices.belmontcountycourts.com](http://eservices.belmontcountycourts.com). Self-help is at [belmontcountycoc.org/representing-yourself](http://belmontcountycoc.org/representing-yourself), and a pro bono legal clinic is listed at [belmontcountyohiocourts.com](http://belmontcountyohiocourts.com).

## PART ONE

# Domestic Relations: divorce, dissolution & married-parent cases.

If you are married, ending the marriage runs through the General Division of Common Pleas, where a Magistrate hears the case under Judges Fregiato and Vavra. The first question is usually whether you and your spouse agree on everything.

## QUICK PATHFINDER

## Do you both agree on every term?

If yes, a dissolution may fit — you file together and ask the court to approve your signed agreement. If no, or if you need the case started before you negotiate, a divorce is the path that gives you deadlines, temporary orders, and a judge to decide what you can't.

## IN THIS PART

- Dissolution (you agree) and divorce (you don't)
- Custody, parenting time, and child support
- Dividing property and spousal support
- Temporary orders and restraining orders
- Changing or enforcing an order; legal separation, annulment
- Protection orders and staying safe

PATH A · AGREEMENT

# Dissolution: ending a marriage you both agree on.

A dissolution is a no-fault way to end a marriage when you and your spouse agree on everything before you file — property, debts, spousal support, and (if you have children) custody, parenting time, and child support. You file together and both attend a short final hearing. A dissolution is not the same as an uncontested divorce.

COURT	FILING DEPOSIT	SERVICE	FINAL HEARING
General Division	\$251	Usually waived	30–90 days

**This path may fit if...**

- You and your spouse agree the marriage should end.
- You agree on property, debt, support, and (with kids) parenting and child support.
- Both of you can sign the agreement and attend the final hearing.

**Watch the agreement, not just the forms.**  
 A clean-looking packet can still cause problems later if retirement, taxes, the house, debt, insurance, or parenting terms are vague. The court can approve terms that are clear enough to enforce even when they are not good terms for you.

Core filing	Petition for Dissolution (SF 17)
Agreement	Separation Agreement (SF 19), signed by both
If minor children	Parenting plan, child-support worksheet, health-insurance details
Final step	A short hearing (about 15 minutes) where both spouses confirm the agreement

**BELMONT NOTE**  
**Both of you must show up.**  
 A dissolution is only valid if both spouses attend the final hearing and still want to dissolve the marriage. If you have minor children, you must also finish the parenting class first (next page).

DISSOLUTION · PAPERWORK

# What you file, what it costs, and what happens next.

Belmont County uses the Ohio Supreme Court standardized dissolution forms. File everything with the Clerk of Courts; the Magistrate hears the case.

FORM	WHERE TO GET IT	WHAT IT'S FOR
<a href="#">Petition for Dissolution (SF 17)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form17.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form17.pdf</a>	Supreme Court of Ohio	Starts the joint case and waives formal service.
<a href="#">Separation Agreement (SF 19)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form19.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form19.pdf</a>	Supreme Court of Ohio	Your signed deal on property, debt, and support.
<a href="#">Parenting Proceeding Affidavit (Affidavit 3)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Affidavit3.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Affidavit3.pdf</a>	Supreme Court of Ohio	Required when minor children are involved.
<a href="#">Shared Parenting Plan / Parenting Plan (SF 20 / SF 21)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form20.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form20.pdf</a>	Supreme Court of Ohio	Your parenting plan, if you have minor children.

△ Heads up: With minor children you must also file an IV-D Application and a Child Support Guideline, and each parent must finish the "Helping Children Cope with Divorce" class and file a Certificate of Attendance (Local Rule 12.29).

## How filing works

1. Reach full agreement, then prepare your Separation Agreement (and parenting plan, if you have kids).
2. File the petition and agreement with the Clerk, pay the \$251 deposit (or an \$11 poverty affidavit), and finish the parenting class plus child-support paperwork if you have minor children.
3. Attend the final hearing 30 to 90 days later — both of you — and confirm the agreement. The judge then signs the decree.

Filing deposit	\$251
If you can't afford it	Poverty affidavit, \$11
Publication (if needed)	\$500
Paid to	Belmont County Clerk of Courts

## PATH B · DISAGREEMENT

# Divorce: when you don't agree, or need the court to act.

A divorce ends a marriage through a case one spouse files against the other. It doesn't have to mean a trial — most settle. Your first question: are you starting the case, or were you served?

01

## You are starting the case

You file a Complaint for Divorce with the Clerk of Courts. With children, use Form 7; without, Form 6. The complaint opens the case and asks the court to have your spouse served.

02

## You were served papers

You file an Answer within 28 days, and usually a Counterclaim so you can ask for your own relief. Do not wait for the hearing date — missing the answer deadline can cost you.

### USE DIVORCE WHEN

You need a deadline, a temporary order, or a judge's decision.

Often the necessary path when a spouse won't sign, money is unclear, parenting time is disputed, or you need the court to act before a settlement.

### UNCONTESTED ≠ DISSOLUTION

#### What "uncontested" means in Ohio

An uncontested (default) divorce is a regular divorce the court grants on your evidence when your spouse won't take part or can't be found (you serve by publication, a \$500 deposit). It is not a dissolution, which needs full agreement.

1

## Complaint filed

One spouse files; the clerk issues service by certified mail, sheriff, or — if needed — publication.

2

## Service & answer

The other spouse is served and has 28 days to answer and counterclaim.

3

## Temporary orders

Either side can ask the Magistrate for temporary parenting time, support, or use of the home.

4

## Settlement or decision

Many cases settle once documents are exchanged. If not, the Magistrate decides, and the judge signs the decree after the 14-day objection period.

DIVORCE · PAPERWORK & DEADLINES

# Belmont’s local forms layer onto the state forms.

Belmont County uses the Ohio Uniform divorce forms plus its own “Divorce Forms” attached to Local Rule 12. File everything with the Clerk of Courts.

FORM	WHERE TO GET IT	WHAT IT'S FOR
<a href="#">Complaint for Divorce, with / without children (SF 7 / SF 6)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form7.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form7.pdf</a>	Supreme Court of Ohio	Starts your divorce case.
<a href="#">Answer / Counterclaim with children (SF 11 / SF 9)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form11.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form11.pdf</a>	Supreme Court of Ohio	Your response and your own requests if you were served.
<a href="#">Parenting Proceeding Affidavit (Affidavit 3)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Affidavit3.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Affidavit3.pdf</a>	Supreme Court of Ohio	Required when minor children are involved.

**FILING DEPOSIT**

**\$251**

Divorce complaint. A poverty affidavit (\$11) is the low-income alternative.

**COUNTERCLAIM**

**\$225**

If you were served and respond.

**PUBLICATION**

**\$500**

Only if your spouse can't be found.

**COMMON MISTAKES TO AVOID**

What sends Belmont filings back

- Signing forms before you are in front of the notary.
- Forgetting the Parenting Proceeding Affidavit, IV-D Application, support guideline, or parenting class when you have minor children.
- Filing the Property Appraisal Form late (it's due within 14 days of the answer).

**DEADLINES THAT MATTER**

Two clocks in a Belmont divorce

28 days to file your Answer after you are served (Civ.R. 12). 14 days to respond if the other side asks for temporary orders, or to ask the court for more time — otherwise the court can issue those orders on their request alone. Confirm any local variation with the Magistrate’s Office.

## CUSTODY &amp; PARENTING TIME

# Learn the words Ohio actually uses.

Ohio does not use “joint custody,” “sole custody,” or “primary custody.” Learning the real terms matters, because the court and your paperwork will use them.

**TWO ARRANGEMENTS**

Shared parenting or one residential parent

The court either adopts shared parenting under a written plan, or names one parent the residential parent and legal custodian. Both parents can have a lot of time in either setup.

**DECISIONS VS. ADDRESS**

Legal custody vs. residential parent

Legal custody is the authority to make major decisions. The residential parent is mostly the address used for school and similar purposes. They are not the same thing.

**THE SCHEDULE**

Parenting time is separate

Parenting time is the schedule. It is set on the child’s best interest and is not decided by the custody label — parents can share time equally or unequally in either arrangement.

**BELMONT SPECIFICS**

No single fixed parenting-time schedule is published.

Belmont’s General Division sets parenting time case by case through the Case Management Order, rather than publishing one standard schedule in its local rules. Confirm any standard order with the Magistrate’s Office (740) 695-2121 ext. 1082 or the Juvenile Court (740) 699-2141.

**REQUIRED CLASS**

“Helping Children Cope with Divorce”

If you have minor children in a divorce, dissolution, legal separation, or post-decree custody case, both parents must take this class (run by OSU Extension, Belmont County) or an approved equivalent, and file a Certificate of Attendance. The Magistrate will not issue a decision until both certificates are filed. It is waived only for good cause (Local Rule 12.29).

**IF YOU ASK FOR SHARED PARENTING**

You must file a plan

Asking for shared parenting is not enough on its own. The parent who wants it must submit a proposed shared parenting plan, or the court can’t consider it.

CHILD SUPPORT

# How the number is set, paid, and changed.

Ohio uses an income-shares model: support is calculated from both parents' income, the cost of the child's health insurance, and work-related childcare. It is figured the same way whether you have shared parenting or one residential parent.

### What drives the number

- Both parents' gross income (the court can impute income to a parent who is voluntarily unemployed or underemployed).
- The cost of the child's health insurance.
- Work-related childcare costs.
- Parenting time: 90 or more overnights a year usually triggers a 10% adjustment.

### ESTIMATE IT

Run your own numbers with Gavvl's Ohio child support calculator:

[gavvl.com/child-support-calculator](https://gavvl.com/child-support-calculator)

(<https://gavvl.com/child-support-calculator>)

Who administers it	Belmont County CSEA, (740) 695-1075 option 8
How it's paid	Through Ohio Child Support Payment Central, with a 2% processing charge (Local Rule 12.3)
When it can change	A substantial change — often a 10%+ change in the guideline amount — or 36 months after the order (administrative review)
When it ends	When the child turns 18 and graduates high school, or turns 19, whichever comes first (longer by agreement or for a child with special needs)

### GOOD TO KNOW

**Agreeing to less doesn't bind the court.**

If both parents agree to a lower amount, the court still orders what it finds is in the child's best interest. It does not have to approve a lower number.

## DIVIDING PROPERTY &amp; SPOUSAL SUPPORT

# Equitable does not mean equal.

Ohio courts divide marital property and debt fairly — which is not always 50/50. What counts as marital usually turns on when something was acquired, not whose name is on it.

**MARITAL VS. SEPARATE**

When, not whose name  
Property and debt built up during the marriage are usually marital. Inheritances and gifts are usually separate — if you can trace them. Mixing separate money into joint accounts can change that.

**THE HARD ASSETS**

Homes, retirement, business  
Home equity and retirement are often part marital, part separate. Retirement is divided by a QDRO; some Ohio public pensions use a DOPO; military retirement has its own rules. A house, a business, or disputed values may need an appraisal or valuation.

**STANDARD ORDERS**

Mutual restraining orders are routine  
Standard orders against draining accounts, canceling insurance, or hiding assets are routine in a divorce (Belmont Divorce Form 101). They are not a finding that either spouse did anything wrong.

**SPOUSAL SUPPORT****Can it be changed later?**

A court can order spousal support in a divorce or legal separation. After the decree, it can be modified only if the decree reserved that power and circumstances have changed (R.C. 3105.18). If support matters in your case, file the Financial Affidavit (Belmont Divorce Form 105).

**A note on fault**

It is usually wise to include no-fault grounds. Courts will not punish a spouse for bad behavior by itself — but behavior that drained marital money or affected the children's safety can matter to the result. Ohio does not recognize common-law marriage; the date of marriage, and the date of separation, are what count.

TEMPORARY ORDERS & RESTRAINING ORDERS

# Rules for money, the house, and the kids while the case is open.

While a divorce, legal separation, or annulment is pending, either spouse can ask the Magistrate for temporary orders, and in urgent situations for emergency (ex parte) orders. For violence, see the protection-order section.

### The Standard Mutual Restraining Order (Form 101)

On a sworn affidavit, either spouse can get this order. It can restrain both spouses from harassing the other or the children, running up joint debt, selling or hiding assets, removing household goods, changing insurance or beneficiaries, moving the children’s home without permission, and sharply cutting the other parent’s time. It is effective when filed with the Clerk.

### EMERGENCY (EX PARTE) ORDERS

When there is a real, immediate danger.

The Magistrate can grant an ex parte order when a sworn affidavit shows serious physical harm is likely, or to preserve a long-standing status quo — then sets a prompt hearing. The court can give a remaining spouse exclusive use of the home, and can bar moving the children’s residence out of Belmont County on affidavits alone (Local Rule 12.8–12.13).

### TEMPORARY SUPPORT & CUSTODY

While you wait for the final order

The Magistrate can set temporary custody, parenting time, child support, and spousal support under Civ.R. 75(N). Financial requests need a Financial Affidavit (Belmont Divorce Form 105).

<p><b>ANSWER A COMPLAINT</b></p> <p>28 days</p>	<p><b>RESPOND TO A TEMPORARY-ORDERS REQUEST</b></p> <p>14 days</p>	<p><b>OBJECT TO A MAGISTRATE’S DECISION</b></p> <p>14 days</p>
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## CHANGING OR ENFORCING AN ORDER

# After the decree, you go back to the same case.

Changes and enforcement happen by motion in your original General Division case, heard by the Magistrate. A post-judgment motion deposit is \$150.

**CHANGE CUSTODY****Change in circumstances**

To change the residential parent or legal custodian, you show a change in circumstances and that the change serves the child's best interest (R.C. 3109.04). A post-decree custody case triggers the parenting class again.

**CHANGE PARENTING TIME****Best interest**

Changing the schedule uses the best-interest standard (R.C. 3109.051). Use Belmont's Motion for Change in Parenting Time.

**CHANGE SUPPORT****Substantial change**

Ask for a review on a substantial change — often 10%+ — through the court or an administrative review at the CSEA. Spousal support changes only if the decree reserved jurisdiction.

**ENFORCEMENT****When the other side won't follow the order**

File a Motion for Contempt (the Belmont form includes the affidavit and service instructions). The court can order make-up parenting time, a payment purge order (specific conditions to fix the violation and avoid the penalty), attorney fees, and — for willful violations — jail.

**OUT-OF-STATE ORDERS****Registering a foreign order**

To enforce or change an out-of-state order here, you register it: custody under the UCCJEA (R.C. Chapter 3127), support under UIFSA (R.C. Chapter 3115, with a \$225 foreign-judgment deposit; support registration usually runs through the CSEA).

**Moving with the children**

A mutual order can bar moving the children's home out of Belmont County without consent or court permission. A residential parent who plans to move must give notice so the court can revisit parenting time (R.C. 3109.051(G)).

## LEGAL SEPARATION &amp; ANNULMENT

# Two narrower paths — and what they are not.

Both are filed with the Clerk of Courts and heard by the Magistrate. Keep them separate from divorce and dissolution, and from each other.

**LEGAL SEPARATION (R.C. 3105.17)****Divides things, but you stay married**

A legal separation can divide property and set support, custody, and parenting time without ending the marriage. People choose it for religious or insurance reasons, or when they don't yet meet divorce residency. It is filed and processed like a divorce (\$251 deposit; the parenting class applies with minor children). It does not free either spouse to remarry, and either spouse can later seek a divorce.

**ANNULMENT (R.C. 3105.31)****Treats the marriage as never valid**

An annulment is a court declaration that a marriage was void or voidable — not a divorce, and not available just because a marriage was short. Grounds are specific (for example bigamy, fraud or force, being under the age of consent, or a marriage never consummated) and carry strict time limits and proof requirements. Because it turns on those grounds, get legal advice.

**Always confirm with the court**

Counties handle annulment details differently, and Belmont County publishes little on it — the standard Ohio forms and process apply. Confirm with the Clerk of Courts before you rely on a specific procedure. Military and international divorces also have their own rules and usually need experienced handling.

## PROTECTION ORDERS

# A court order to stop threats, abuse, or stalking.

In Belmont County, civil protection orders are filed with the Clerk of Courts and heard in the General Division by the Magistrate. There is no filing fee for the person asking for protection — ever.

PETITION	WHERE TO GET IT	WHEN TO USE IT
<a href="#">Domestic Violence CPO (Form 10.01-D)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/DVForms/10.01D.pdf">https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/DVForms/10.01D.pdf</a>	Supreme Court of Ohio	Abuse or threats by a family or household member.
<a href="#">Dating Violence CPO (Form 10.01-P)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/DVForms/10.01P.pdf">https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/DVForms/10.01P.pdf</a>	Supreme Court of Ohio	Abuse by someone you are or were dating.
<a href="#">Civil Stalking / SOOPO (Form 10.03-D)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/stalkingForms/10.03D.pdf">https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/stalkingForms/10.03D.pdf</a>	Supreme Court of Ohio	Stalking or a sexual offense by anyone.

1

## File — no fee

Bring the petition to the Clerk of Courts; there is no cost to you.

2

## Same-day ex parte order

The court holds an ex parte hearing and can issue a same-day order if the petition shows an immediate risk.

3

## Full hearing

A full hearing follows (often within about 7 to 10 days), where the court can issue an order lasting up to 5 years. Law enforcement serves the respondent.

### IF AN ORDER IS VIOLATED

Call 911.

Violating a protection order is a crime, and you can also pursue contempt. (A criminal temporary protection order is different — the prosecutor files it in a criminal case.)

National Domestic Violence Hotline  
 1-800-799-7233 · Belmont Children Services  
 (740) 695-3813 · 855-OH-CHILD.

## PROTECTING YOURSELF &amp; YOUR KIDS

# A few habits that help more than they seem to.

Family-law cases are stressful, and small choices can have big effects. None of this is about “winning” — it’s about protecting your children and yourself.

**DO****Keep a clear record**

- Move important conversations to writing, and save texts, emails, and account information.
- Keep a simple timeline of missed visits or incidents.
- Follow every existing order, even an imperfect one.

**DON'T****Avoid the backfires**

- Don't post about your case or your spouse on social media.
- Don't use the children as messengers or pull them into the conflict.
- Don't lock a spouse out, cancel their insurance, or destroy property — it violates the standard orders and hurts your case.

**Kids' safety comes first — and so does yours.**

If you are dealing with violence, financial pressure, or instability, help exists. Belmont County Children Services (740) 695-3813; statewide 855-OH-CHILD; National Domestic Violence Hotline 1-800-799-7233; or 911 in an emergency. Reach out — prioritizing well-being is not a sign of weakness.

**NOT SURE WHERE TO START?****A 2-minute quiz can point you to the right path.**

Belmont County's courts and forms can feel like a lot. If you're not sure whether you need a dissolution, a divorce, or something else, take Gavvl's free Find My Service quiz — it asks a few questions and points you to the right next step. [gavvl.com/find-my-service](https://gavvl.com/find-my-service) (<https://gavvl.com/find-my-service>) · Or call (844) 694-2885.

## PART TWO

# Juvenile Court: custody when parents were never married.

When parents were never married to each other, the Belmont County Juvenile Court (Judge Davies) handles parentage, custody, parenting time, and child support. The first question is whether there is already a court order.

## QUICK PATHFINDER

## Is there already an order?

Setting up a first order is different from changing one that already exists. And for an unmarried father, establishing parentage comes before — and separately from — any custody or parenting-time rights.

## IN THIS PART

- Establishing parentage and first custody orders
- Parenting time and grandparent companionship
- Legal custody to a grandparent or other relative
- Changing or enforcing a juvenile order
- When Children Services is involved (CPS cases)

## PARENTAGE &amp; CUSTODY FOR UNMARRIED PARENTS

# Two separate steps, in the right order.

Until a court orders otherwise, an unmarried mother is the sole residential parent and legal custodian by law (R.C. 3109.042). An unmarried father has to take two separate steps — and the order is the part people most often get wrong.

01

## Establish parentage first

By a signed Acknowledgment of Paternity, an administrative order through the CSEA (it can order a DNA test), or a parentage case in Juvenile Court. This triggers child support — but by itself it does not give custody or parenting time.

02

## Then ask for custody / parenting time

Separately file in the Juvenile Court to be named residential parent or to set up shared parenting and a schedule. An at-home DNA test won't establish legal parentage — the court orders the test.

## FORM

## WHERE TO GET IT

## WHAT IT'S FOR

[Complaint for Parentage / Allocation \(SF 23 / JF 2\)](https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form23.pdf)

<https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form23.pdf>

Supreme Court of Ohio

Establishes parentage and asks for custody & parenting time.

Belmont juvenile motions & forms

<https://www.belmontcountyohiocourts.com/forms/>

Change of custody, parenting time, support, and contempt.

## CHILD SUPPORT

### Set the same way

The Juvenile Court (with the CSEA) sets support under the Ohio guidelines (R.C. Chapter 3119) and it is paid through Ohio Child Support Payment Central. Estimate it at [gavvl.com/child-support-calculator](https://gavvl.com/child-support-calculator)

(<https://gavvl.com/child-support-calculator>).

## CONFIRM WITH THE COURT

The Juvenile Court's filing deposits for a parentage or custody case weren't separately verified for this guide. Confirm the current amount with the Juvenile Court at (740) 699-2141 before you file.

## PARENTING TIME, COMPANIONSHIP &amp; NON-PARENT CUSTODY

# Time with a child — for parents and for relatives.

The words matter here. Parenting time is time a parent spends with a child; companionship (sometimes called visitation) is time a non-parent, like a grandparent, spends with a child.

**GRANDPARENT / RELATIVE COMPANIONSHIP**

Court-ordered time, in some situations

Ohio lets grandparents and certain relatives ask for companionship in defined situations — for example after a parent's death (R.C. 3109.11), or when parents are unmarried or divorcing (R.C. 3109.12). The court decides on the child's best interest.

**LEGAL CUSTODY TO A NON-PARENT**

When a relative is raising the child

A grandparent or other adult can ask the Juvenile Court for legal custody (R.C. 2151.23). Because parents have a protected interest, a non-parent generally must first show the parents are unsuitable. Legal custody leaves the parents' residual rights intact — it is less permanent than adoption.

**SHORT OF FULL CUSTODY**

Grandparent Power of Attorney

For school and medical decisions short of full custody, a relative caregiver can use Ohio's Power of Attorney or Caretaker Authorization Affidavit (R.C. 3109.51–3109.80). Belmont's Probate & Juvenile Court provides a Grandparent Power of Attorney form: [Grandparent Power of Attorney](https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/powerAtty.pdf) (<https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/powerAtty.pdf>).

**BELMONT SPECIFICS**

No single standard schedule is published.

Belmont sets parenting time case by case through the Case Management Order and the final order, rather than publishing one fixed schedule. Confirm any standard order — and any long-distance version — with the Magistrate's Office (740) 695-2121 ext. 1082 or the Juvenile Court (740) 699-2141.

CHANGING A JUVENILE ORDER · WHEN CHILDREN SERVICES IS INVOLVED

# Two very different situations.

Changes to a juvenile order happen in the same Juvenile case. A child-protection (CPS) case is something else entirely — it is brought by the county to keep a child safe, not a custody fight between two parents.

**MODIFY OR ENFORCE**

**Back to the same Juvenile case**

To change custody, show a change in circumstances plus best interest (R.C. 3109.04). To change parenting time, show best interest (R.C. 3109.051). To change support, show a substantial change, often 10%+ (R.C. 3119.79). To enforce an order, file the Belmont Motion for Contempt in the Juvenile case — not the General Division.

**REPORTING ABUSE OR NEGLECT**

**Who to call in Belmont County.**

Belmont County Children Services: (740) 695-3813 or (740) 695-1075 option 2 during business hours. After hours, call 911 (out-of-county after hours (740) 699-0429). Statewide hotline: 855-OH-CHILD (855-642-4453), 24/7. Ohio law protects good-faith reports.

FORM	WHERE TO GET IT	WHAT IT'S FOR
<a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form27.pdf">Motion for Change of Custody (SF 27 / JF 6)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form27.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form27.pdf</a>	Supreme Court of Ohio	Asks to change the custody order.
<a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form24.pdf">Motion for Contempt (SF 24 / JF 3)</a> <a href="https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form24.pdf">https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form24.pdf</a>	Supreme Court of Ohio	Enforces a juvenile order; Belmont's version adds the affidavit and service instructions.

**IF A CPS CASE IS OPENED**

**What to expect — and your rights**

Children Services assesses risk and usually tries to keep children safely at home with services, looking first to a relative if placement is needed. A court case can lead to protective supervision, temporary custody, a reunification case plan, or — in the most serious cases — termination of parental rights. You have the right to an attorney, including an appointed one if you qualify, and the court appoints a guardian ad litem for the child.

## PART THREE

# Probate Court: stepparent & kinship adoption.

Adoptions go through the Belmont County Probate Court (Judge Davies), 101 West Main Street — (740) 699-2144. It permanently changes a child's legal parents.

**CONSENT****Whose yes you need**

Usually both birth parents must consent. Consent may not be required if a parent failed, without justifiable cause, to support or contact the child for a year (R.C. 3107.07) — common in stepparent cases. A child 12+ usually consents too.

**HOME STUDY****Always required — not scary**

The court requires a home study: background checks, a home visit, and references. A standard step, not a test you “pass” or “fail.”

**CUSTODY IS NOT ADOPTION****A permanent change**

Legal custody can change later and leaves a parent's rights intact. Adoption permanently ends them and is final. In Ohio, unmarried people can't adopt together.

**1****File the petition**

With the child's information and the required consents. Probate fees aren't verified here — confirm at (740) 699-2144.

**2****Home study & hearing**

Complete the home study; notice goes to those entitled to it; the court hears consent and best interest.

**3****Decree & new certificate**

The court enters the decree; a new birth certificate issues. Files are sealed by law.

**IS ADOPTION THE RIGHT STEP?**

Adoption questions are worth a conversation.

Consent and notice rules are where adoptions get complicated. The 2-minute quiz can help you sort out where you stand.

[gavvl.com/find-my-service](https://gavvl.com/find-my-service)

(<https://gavvl.com/find-my-service>) · (844) 694-2885.

## PART FOUR

# How Gavvl Law can help.

This guide gave you the map. If you'd like company on the road, here is what working with our firm looks like. You don't always need the same kind of help — and we'll tell you when you don't.

**FULL REPRESENTATION**

A lawyer manages the whole case with you.

From first consultation through final orders: strategy, every filing, negotiation, and every court appearance. Best for complex, contested, or high-conflict cases, and anything that may go to trial. Billed as a retainer plus hourly fees.

**LIMITED-SCOPE (FLAT FEE)**

Hire us for the specific part you need.

Document drafting and filing, a single hearing, advice, or a document review — at a flat fee per task. Best for uncontested matters, simple modifications, and tight budgets. Not recommended for complex or high-conflict cases that need ongoing advocacy. A limited-scope matter can move to full representation if it becomes contested.

**Divorce & dissolution**

Strategy, settlement terms, filing packets, temporary orders, and final hearings.

**Custody & parenting**

Parenting schedules, shared parenting plans, modifications, and hearing preparation.

**Child & spousal support**

Support calculations, deviations, modifications, and enforcement.

**Adoption**

Stepparent and kinship adoption planning, consent review, and finalization.

**WAYS TO PAY****Options that fit different budgets**

The available options depend on the service model. For limited-scope flat-fee work, you can pay in full or use Affirm, Klarna, or PayPal financing — or Gavvl Direct, an in-house plan with no credit check (a financed balance carries 19% annual interest, compounded monthly). For full-representation retainers, you can pay in full or use Affirm. Exact payment amounts are calculated when you enroll. Financing questions: [financing@gavvl.com](mailto:financing@gavvl.com).

## TAKE THE NEXT STEP

# Three easy ways to get started.

Whichever path fits, the first move is small. Start with the quiz if you're not sure, or reach out directly.

## START HERE

## Find My Service quiz

About 2 minutes. Answer a few questions and get a personalized recommendation and financing options.

[gavvl.com/find-my-service](https://gavvl.com/find-my-service)

(<https://gavvl.com/find-my-service>)

## TALK TO US

## Low-cost consultation

Schedule a low-cost consultation by phone or video.

(844) 694-2885

[support@gavvl.com](mailto:support@gavvl.com)

## ONLINE

## Get started page

Begin online whenever it's convenient.

[gavvl.com/start](https://gavvl.com/start)

(<https://gavvl.com/start>)

### Why families choose Gavvl Law

A modern Ohio family-law firm serving all 88 counties, with 4.8+ stars across 90+ verified Google reviews and more than 50 years of combined family-law experience. Recognized by Best Lawyers as a 2026 "Firm to Watch." Co-founded by attorneys who have personally been through divorce and custody. (Awards and ratings reflect others' experiences and aren't a prediction about your case.)

## READY WHEN YOU ARE

## Not sure which path fits your situation?

Take the 2-minute quiz or reach out directly. We'll help you name the court, the likely path, and the level of help that fits the moment — no pressure.

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(844) 694-2885

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[support@gavvl.com](mailto:support@gavvl.com)

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[gavvl.com/find-my-service](https://gavvl.com/find-my-service)

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1677 Old Henderson Road, Columbus, OH 43220

## IMPORTANT DISCLOSURES

# The fine print, in plain language.

Please read these before relying on anything in this guide.

## Information, not legal advice

This guide explains how things generally work in Belmont County, but it can't account for the facts of your situation. Reading it, downloading it, or contacting Gavvl Law does not make you a client or create an attorney-client relationship. Only a signed engagement agreement does that. For advice about your own case, talk with a licensed Ohio attorney.

## Fees and procedures change

Court fees, forms, and procedures change. The information here was verified as of June 18, 2026 from official Belmont County court sources. Always confirm current fees and requirements with the Belmont County Clerk of Courts before you file.

## About awards and reviews

Awards, ratings, and reviews reflect the experiences of other clients and the opinions of the rating organizations. They are not a guarantee or prediction of the outcome of your case. Every case is different.

## Jurisdiction & privacy

Gavvl Law attorneys are licensed to practice law in Ohio. This guide describes Ohio law and Belmont County procedure only. Our privacy policy is at [gavvl.com/privacy-policy](https://gavvl.com/privacy-policy).

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