

PLAIN-ENGLISH GUIDE

Family Law in Fayette County

A plain-English map to family court in Fayette 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 judge before you fill out a single form — two judges share one Washington Court House courthouse.

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

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

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

MARRIED OR FORMERLY MARRIED

General & DR Division

Divorce, dissolution, legal separation, annulment, spousal support, and the property, support, and parenting issues inside those cases — plus civil protection orders. Heard by Judge David B. Bender. You file with the Clerk of Courts.

PARENTS NEVER MARRIED

Juvenile Division

Parentage, custody, parenting time, and child support when the parents were never married to each other, plus changes to those orders. Part of the combined Probate-Juvenile Court under Judge Mary E. King.

ADOPTION

Probate Division

Stepparent and kinship adoption, name changes, and marriage licenses. Same judge as Juvenile (Judge King), 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 Fayette 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

Two judges, one courthouse in Washington Court House.

Fayette County's family-law courts all sit in the Fayette County Courthouse, 110 E. Court Street, Washington Court House, OH 43160. Court hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

COURT / OFFICE	WHO & PHONE	ONLINE
General & Domestic Relations Division (divorce, dissolution, support, protection orders) — 3rd floor	Judge David B. Bender · (740) 335-4750, Option #6	fayette-co-oh.com/267
Clerk of Courts (you file divorce and DR papers here) — 3rd floor	(740) 335-6371 · records at courts.fayette-co-oh.com	fayette-co-oh.com/264
Probate-Juvenile Court — unmarried-parent custody & support, adoption — 2nd floor	Judge Mary E. King · (740) 335-0640	fayette-co-oh.com/269
Child Support Enforcement Agency (CSEA)	(740) 335-0745 · toll-free (800) 922-0745 · 133 S. Main St.	fayette-co-oh.com/389
Children Services (abuse / neglect reports)	(740) 335-0350 · statewide 1-855-OH-CHILD, anytime	fayette-co-oh.com/390

The one local thing to know first

Family law in Fayette County is split between two judges: Judge Bender hears divorce, dissolution, and protection orders on the General & Domestic Relations side, and Judge King hears unmarried-parent custody, support, and adoption in the Probate-Juvenile Court. Attorneys must e-file Domestic Relations cases through the Clerk's Henschen portal; people representing themselves are currently exempt and file in person or by mail. Look up case records at courts.fayette-co-oh.com.

PART ONE

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

If you are married, ending the marriage runs through the General & Domestic Relations Division of Common Pleas, where Judge David B. Bender hears the case. 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
Judge Bender	\$350	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

FAYETTE 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. At least one of you must have lived in Fayette County for 90 days before filing. With minor children, the court can order a parenting class case by case.

DISSOLUTION · PAPERWORK

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

Fayette County uses the Ohio Supreme Court standardized dissolution forms, plus the Clerk’s Dissolution Checklist. File everything with the Clerk of Courts (attorneys e-file); Judge Bender hears the case.

FORM	WHERE TO GET IT	WHAT IT'S FOR
Petition for Dissolution (SF 17) <small>https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form17.pdf</small>	Supreme Court of Ohio	Starts the joint case and waives formal service.
Separation Agreement (SF 19) <small>https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form19.pdf</small>	Supreme Court of Ohio	Your signed deal on property, debt, and support.
Shared Parenting Plan / Parenting Plan (SF 20 / SF 21) <small>https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form20.pdf</small>	Supreme Court of Ohio	Your parenting plan, if you have minor children.
<p>⚠ Heads up: With minor children you must also file a Parenting Proceeding Affidavit (Affidavit 3), a Title IV-D application, and a child-support worksheet. A parenting class isn't a standard requirement, but the court can order one case by case.</p>		
Dissolution of Marriage Checklist <small>https://www.fayette-co-oh.com/DocumentCenter/View/832/Dissolution-of-Marriage-Checklist-PDF</small>	Fayette County Clerk	The Clerk’s pro se packet checklist.

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 and pay the \$350 deposit (or ask to file on an Affidavit of Poverty). Add the IV-D application and child-support worksheet 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	\$350
Residency	90 days in Fayette County
Can't afford it?	Affidavit of Poverty
Paid to	Fayette 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, handled through the Clerk). It is not a dissolution, which needs full agreement.

1

Complaint filed

One spouse files. In Fayette, an Ohio defendant must get personal service; publication is only for a spouse who can't be found.

2

Service & answer

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

3

Temporary orders

Either side can ask Judge Bender for temporary parenting time, support, or use of the home (set within about 21 days).

4

Settlement or decision

Many cases settle once documents are exchanged. If not, the court hears the issues and the judge signs the decree.

DIVORCE · PAPERWORK & DEADLINES

State forms plus the Clerk’s local checklist.

Fayette County uses the Ohio Uniform divorce forms plus the Clerk’s Divorce Checklist. Attorneys e-file; people representing themselves file with the Clerk of Courts.

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

FILING DEPOSIT

\$400

Divorce complaint, paid to the Clerk.

ANSWER + CROSS-CLAIM

\$300

If you were served and respond.

CAN’T AFFORD IT?

\$0

File an Affidavit of Poverty; installment plans are available.

COMMON MISTAKES TO AVOID

What sends Fayette filings back

- Signing forms before you are in front of the notary.
- Forgetting the Parenting Proceeding Affidavit, the Title IV-D application, or the child-support worksheet when you have minor children.
- Trying to serve an Ohio spouse by mail — Fayette requires personal service in original DR cases.

DEADLINES THAT MATTER

The clocks in a Fayette divorce

28 days to file your Answer after service (Civ.R. 12). Temporary orders are set within about 21 days, with no temporary support without a completed child-support worksheet. Modifications within 2 years of the decree are disfavored.

CUSTODY & 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.

FAYETTE SPECIFICS**Fayette publishes a Standard Parenting Order.**

Unless the court orders otherwise, “reasonable companionship” follows Fayette’s Standard Parenting Order (Exhibit G to Judge Bender’s local rules). A Long-Distance order (Exhibit H) applies when a parent lives 100+ miles away. The court can set a different schedule on the child’s best interest. Ask the Clerk for the current exhibits.

PARENTING CLASS**Ordered case by case**

Fayette doesn’t require one set parenting class. The court can order parenting education in a given case — especially a contested one. The county also points parents to the free Triple P Online program.

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>)

Who administers it	Fayette County CSEA, (740) 335-0745
How it's paid	Through Ohio Child Support Payment Central (CSPC)
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 & 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
In every original Fayette DR case, a Standing Reciprocal Restraining Order (Exhibit E) is attached to the summons and binds both spouses from draining accounts, canceling insurance, or hiding assets. It is 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 Affidavit of Income & Expenses.

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 Judge Bender for temporary orders, and in urgent situations for emergency (ex parte) orders. For violence, see the protection-order section.

The Standing Reciprocal Restraining Order (Exhibit E)

In every original Fayette DR case, the Clerk attaches this order to the summons, and it binds both spouses from the moment of service — no separate motion needed. It restrains harassing the other spouse or the children, running up joint debt, selling or hiding assets, and canceling insurance or beneficiaries.

EMERGENCY (EX PARTE) ORDERS

When there is a real, immediate danger. Ex parte orders are disfavored in Fayette and granted only in exigent circumstances — then the court sets a full hearing within about 10 days (Bender Local Rule 11.08). A child's residence may not be moved out of Ohio without court review.

TEMPORARY SUPPORT & CUSTODY

While you wait for the final order

The court can set temporary custody, parenting time, child support, and spousal support under Civ.R. 75(N). Financial requests need an Affidavit of Income & Expenses, and there is no temporary support without a completed child-support worksheet.

ANSWER A COMPLAINT	TEMPORARY-ORDERS HEARING	EX PARTE → FULL HEARING
28 days	~21 days	10 days

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 & DR Division case, heard by Judge Bender. A post-decree motion deposit is \$200, and changes within 2 years of the decree are disfavored absent a substantial, unforeseen change.

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). The court can order parenting education again.

CHANGE PARENTING TIME**Best interest**

Changing the schedule uses the best-interest standard (R.C. 3109.051). Use the standard Motion to Modify Parenting Time (SF 26).

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 with a separate Show Cause Order; it is heard within about 42 days. 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, usually through the CSEA).

Moving with the children

A child's home may not be moved out of Ohio without court review. A residential parent who plans to move must file a Notice of Intent to Relocate (\$35) so the court can revisit parenting time (R.C. 3109.051(G)).

LEGAL SEPARATION & ANNULMENT

Two narrower paths — and what they are not.

Both are filed with the Clerk of Courts and heard by Judge Bender. 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. 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 Fayette 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 Fayette County, domestic-violence and dating-violence civil protection orders are filed on the General & Domestic Relations side (Judge Bender). For a juvenile-court protection order, the court refers you to the Prosecutor's Victim Witness Division. There is no filing fee for the person asking for protection.

PETITION	WHERE TO GET IT	WHEN TO USE IT
Domestic Violence CPO (Form 10.01-D) https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/DVForms/10.01D.pdf	Supreme Court of Ohio	Abuse or threats by a family or household member.
Dating Violence CPO (Form 10.01-P) https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/DVForms/10.01P.pdf	Supreme Court of Ohio	Abuse by someone you are or were dating.
Civil Stalking / SOOPO (Form 10.03-D) https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protection_forms/stalkingForms/10.03D.pdf	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 · Fayette Children Services
 (740) 335-0350 · 1-855-OH-CHILD.

PROTECTING YOURSELF & 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. Fayette County Children Services (740) 335-0350; statewide 1-855-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.**

Fayette 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>) · Or call (844) 694-2885.

PART TWO

Juvenile Court: custody when parents were never married.

When parents were never married to each other, the Fayette County Probate-Juvenile Court (Judge Mary E. King) 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 & 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.

[Fayette juvenile self-help forms](https://www.fayette-co-oh.com/455/Self-Help-Forms)

<https://www.fayette-co-oh.com/455/Self-Help-Forms>

Fayette County

Pro se complaint/motion packets, affidavits, and IV-D application.

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>).

FAYETTE FILING FACTS

A new parentage or custody case has a \$100 deposit, which includes a \$10 mediation fee. The responding parent files an Affidavit of Income & Expenses within 28 days, and the Title IV-D application must be signed before a support order is journalized.

PARENTING TIME, COMPANIONSHIP & 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

Power of Attorney & Caretaker Affidavit

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). Fayette's Probate-Juvenile Court adopts these packets by local rule: [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).

FAYETTE SPECIFICS

The Juvenile Court uses a Standard Parenting Order.

For parenting time and companionship, the Juvenile Court applies a Standard Parenting Order and a Long-Distance version (Rule 15); a child's residence can't move out of Ohio without court review. Court-run mediation (Rule 18) is the main path for parenting and visitation disputes.

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 a Motion for Contempt with a Show Cause Order in the Juvenile case.

REPORTING ABUSE OR NEGLECT

Who to call in Fayette County.

Fayette County Children Services: (740) 335-0350 during business hours (7:30 a.m.–4:30 p.m.). After hours and any time, call the statewide hotline 1-855-OH-CHILD (1-855-642-4453), or 911 in an emergency. Ohio law protects good-faith reports.

FORM	WHERE TO GET IT	WHAT IT'S FOR
Motion for Change of Custody (SF 27 / JF 6) https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form27.pdf	Supreme Court of Ohio	Asks to change the custody order.
Motion for Contempt (SF 24 / JF 3) https://www.supremecourt.ohio.gov/docs/JCS/CFC/DRForms/Form24.pdf	Supreme Court of Ohio	Enforces a juvenile order; file with a Show Cause Order.

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 Fayette County Probate Division (Judge King), (740) 335-0640. In Fayette an adoption must be filed by an attorney, and it permanently changes a child's legal parents.

CONSENT**Whose yes you need**

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

HOME STUDY**Always required — not scary**

The court requires an assessment report (ODHS Form 1698): 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**

An attorney files the petition, an Affidavit in Compliance (R.C. 3109.27), and the consents. Stepparent/grandparent deposit: \$380, first child.

2**Assessment & hearing**

An assessor completes an ODHS Form 1698 report; the court hears consent and best interest. Married petitioners must be married a year first.

3**Decree & new certificate**

The court signs the decree; a new birth certificate issues and the files are sealed.

IS ADOPTION THE RIGHT STEP?

Adoption questions are worth a conversation.

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

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.

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>)

TALK TO US

Low-cost consultation

Schedule a low-cost consultation by phone or video.

(844) 694-2885

support@gavvl.com

ONLINE

Get started page

Begin online whenever it's convenient.

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.

(844) 694-2885

support@gavvl.com

gavvl.com/find-my-service

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 Fayette 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 Fayette County court sources. Always confirm current fees and requirements with the Fayette 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 Fayette County procedure only. Our privacy policy is at gavvl.com/privacy-policy.

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