

Loveland City School District

INSTRUCTIONS FOR "GRANDPARENT CARETAKER LAW" OF LOVELAND CITY
SCHOOL DISTRICT

(These instructions would be for a grandparent that is claiming s/he now has
"caretaker rights" is now enrolling their grandchild)

1. Form RES-7, "Grandparent Caretaker Law",
2. Form RES-6, Grandparent Caretaker Law – Affidavit
3. File the completed "Grandparent Caretaker Law" Affidavit with the Juvenile Court of the county in which the grandparent resides or any other court which may already have jurisdiction over the child. Such filing must occur within five (5) days of the document's creation.
4. Return signed/notarized forms from above to the building Secretary where your child/children are being enrolled.

Submitting the above information **does not** guarantee that your grandchild (grandchildren) will be enrolled. Once the above information has been submitted, it must be carefully reviewed to determine whether you meet the requirements for residency under Ohio law. You will be notified of our determination in writing.

Grandparent Caretaker Law

Ohio's "Grandparent Caretaker Law," enacted in 2004 greatly simplifies the transfer of legal caretaker rights from parents to grandparents and empowers grandparents to independently assert caretaker rights when the parent cannot be located or has lost parental rights. The Grandparent Caretaker Law creates two very simple and economical means by which grandparents may acquire a kind of quasi-custody for grandchildren living in their home. The first is a parent's *power of attorney*, which may be signed by a parent under certain specified "hardship" circumstances. The second is a *caretaker authorization affidavit*, which may be signed by the grandparents when the custodial parent or parents cannot be located. When either of these documents is properly created, the grandparent-caretaker has the right to:

- Exercise care, custody, and physical control of the child
- Enroll the child in school without a tuition charge
- Discuss with the school the child's educational progress
- Consent to all school-related matters
- Consent to medical, psychological, or dental treatment

Under the Grandparent Caretaker Law, a parent, guardian, or custodian of a child may execute a *power of attorney* in certain specified circumstances. These are:

- The parent is incarcerated or about to be incarcerated
- The parent is about to enter a residential treatment program for substance abuse
- The parent is "seriously ill"
- The parent is unable to provide adequate care and supervision of the child because of a physical or mental condition.
- The parent is homeless
- The parent's residence has been destroyed or rendered uninhabitable
- The other parent of the child is deceased.

If, however, none of these "hardship" conditions are present, the parent, guardian, or custodian may still transfer caretaker rights to a grandparent simply by declaring the following: "I have a well-founded belief that the power of attorney is in the child's best interest." The parent signing the affidavit must also certify as follows: "*I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.*"

In addition to the power granted to parents transfer caretaker rights to a grandparent, the Grandparent Caretaker Law also gives grandparents the power to "claim" caretaker rights for themselves when a grandchild is living with them and the parents cannot be located. A grandparent exercises this right by signing a document called the "caretaker authorization affidavit." The grandparent must state in the affidavit that he or she has made reasonable attempts to locate the child's parents, guardian, or custodian, but been unable to do so. The grandparent must certify (as with the power of attorney) that "this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district."

Both the "power of attorney" process and the "caretaker authorization affidavit" process are subject to judicial oversight. Whenever either of these documents is created, it must be filed with the

juvenile court of the county in which the grandparent resides or any other court which may already have jurisdiction over the child. Such filing must occur within five days of the document's creation. If the court has reason to believe that the power of attorney or caretaker authorization affidavit is not in the best interests of the child, it may report such information to the appropriate children services agency. The children services agency is then required to conduct an investigation and report back to the court within 30 days.

Both the power of attorney and the caretaker authorization affidavit terminate upon any of the following events: (1) the passage of one year; (2) the child ceases to live with the grandparent; (3) a court order terminates the document; (4) the grandchild or grandparent dies; or (5) (in the case of a power of attorney) the person who created it revokes it in writing.

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*****WARNING*****

The yearly tuition rate for the Loveland City School District is:

\$ _____

The making of a false statement on this form for the purpose of enrolling a child without tuition is a criminal offense as follows:

O.R.C. 2913.02 Theft by Deception

O.R.C. 2913.13 Falsification

and may be **punishable as a felony** according to the amount of tuition owed.

Grandparent Caretaker Law – Affidavit

I am the owner of a residential property at the following address:

Name

Street Address

City

State

Zip Code

Child Name _____
Printed

Child Name _____
Printed

Child Name _____
Printed

I am selecting the "**Power of Attorney**" option. Yes _____ No _____

Hardship cited: (Select item that applies)

1. The parent is incarcerated or about to be incarcerated. _____
2. The parent is about to enter a residential treatment program for substance abuse. _____
3. The parent is "seriously ill". _____
4. The parent is unable to provide adequate care and supervision of the child because of a physical or mental condition. _____
5. The parent is homeless. _____
6. The parent's residence has been destroyed or rendered uninhabitable. _____
7. The other parent of the child is deceased. _____

If none of the above "hardship" conditions are present, the parent, guardian, or custodian may still transfer caretaker rights to a grandparent simply by declaring the following:

1. "I have a well-founded belief that the power of attorney is in the child's best interest." Yes _____ No _____

Parent(s) signature

Date

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2. If "yes" the parent signing the affidavit must also certify as follows:
"I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or inter scholastic athletic programs provided by that school or district."

Parent(s) signature(s) Date

I am selecting the "**Caretaker Authorization Affidavit**" Yes____ No____
I wish to "claim" caretaker rights for myself because the grandchild is living with me and the parents cannot be located. Yes____ No____

3. "I" the grandparent state that I have made reasonable attempts to locate the child's parent, guardian, or custodian, but been unable to do so. Yes____ No____
4. "I" certify that "this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district."
Yes____ No____

Grandparent(s) signature(s) Date

Please Note:

Both the "power of Attorney" process and the "caretaker authorization affidavit" process are subject to judicial oversight. Whenever either of these documents is created, it must be filed with the Juvenile court of the county in which the grandparent resides or any other court which may already have jurisdiction over the child. Such filing must occur within (5) five days of the document's creation.

The information above is true to the best of my knowledge and belief.

(Signature)

STATE OF OHIO)
 : ss.
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public, on the _____ day of _____, 20____.

Notary Public

Date Commission Expires

Date filed with the Juvenile court _____
County filed with (Hamilton, Clermont, Warren) _____