

2.0 PRE-DECREE DIVORCE CASES

Contested Parenting

In cases where both parties request to be the sole residential parent and legal custodian of the minor child/ren, the Court, pursuant to O.R.C. § 3109.04(a)(1), shall allocate the parental rights and responsibilities to one of the parents and designate that parent the residential parent and legal custodian of the minor child/ren. The Court shall divide the other rights and responsibilities including, but not limited to, support and parenting time.

In cases where at least one party files a plan for shared parenting, the Court, pursuant to O.R.C. § 3109.04(a)(2), may allocate the parental rights and responsibilities to both parents if a Shared Parenting Plan is in the best interest of the minor child/ren. The Court may require the parents to share all or some aspects of the physical and legal care of the minor child/ren.

Uncontested Parenting

In cases where the parties agree as to one or both parents is/are to be designated the residential parent and legal custodian(s) of the minor child/ren, a Parenting Plan or Shared Parenting Plan shall be filed with the Court. Parenting time must be delineated in accordance with O.R.C. § 3109.051 or O.R.C. § 3109.04.

In uncontested cases where only one party appears, the Court shall allocate parental rights to the party as the sole residential parent and legal custodian. The Court shall award specific parenting time to the other party, unless the Court determines that parenting time would not be in the best interest of the minor child/ren.