

Ohio Revised Code

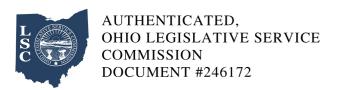
Section 3109.56 Requirements for creating power of attorney.

Effective: July 20, 2004

Legislation: House Bill 130 - 125th General Assembly

When a parent seeks to create a power of attorney pursuant to section 3109.52 of the Revised Code, all of the following apply:

- (A) The power of attorney shall be executed by both parents if any of the following apply:
- (1) The parents are married to each other and are living as husband and wife.
- (2) The child is the subject of a shared parenting order issued pursuant to section 3109.04 of the Revised Code.
- (3) The child is the subject of a custody order issued pursuant to section 3109.04 of the Revised Code unless one of the following is the case:
- (a) The parent who is not the residential parent and legal custodian is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code.
- (b) The parental rights of the parent who is not the residential parent and legal custodian have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code.
- (c) The parent who is not the residential parent and legal custodian cannot be located with reasonable efforts.
- (B) In all other cases, the power of attorney may be executed only by one of the following persons:
- (1) The parent who is the residential parent and legal custodian of the child, as determined by court order or as provided in section 3109.042 of the Revised Code;
- (2) The parent with whom the child is residing the majority of the school year in cases in which no



court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.