Ohio | Department of Education

CLEVELAND and EDCHOICE SCHOLARSHIP PROGRAM

Nonpublic Educational Options

Child Custody and Guardianship: Frequently Asked Questions

1. Can anyone apply for a scholarship for a student?

   No. Only the natural parent, adoptive parent, residential parent (in cases of divorce) or the legal custodian of the student can apply for the scholarship.

2. I am the biological father of the student and I am married to the student's biological mother. Can I apply for the scholarship for my child?

   Yes, you can. If the biological parents of the student are married to each other and live in the same residence together, then either one of them can apply for the scholarship for the student.

3. I am the biological father of the student. I have been raising her since she was born. I am not married to the biological mother. Can I apply for the scholarship for my daughter?

   No. Although you are the biological father, if you have not gone to court to obtain legal custody of your daughter, you are not considered as the legal custodian. Ohio law states that an unmarried mother is the sole residential parent and legal custodian of the child until otherwise ordered by a court of law. Therefore, if a mother is unmarried when she has the child, anyone else seeking custody of the child- including the father - must go to court to obtain legal custody of the child.

4. Both my adult daughter and her child, my grandson, live with me. Can I apply for the scholarship for my grandson?

   No. Grandparents can only apply for the scholarship if they are the legal custodians of the student.

5. My child and I have been living with my boyfriend for four years in his house. Can he apply for the scholarship for my child?

   No. Only the legal custodian can apply for the scholarship. Even if your boyfriend is your child's biological father, if you two are not married, he cannot apply for the scholarship for your child.

6. My cousin is the biological mother of the student. However, we have no idea where she is or how to find her. Since we cannot find her, I have been raising her son. Can I apply for the scholarship for him?

   No. If you cannot find the biological mother, you need to go to court to obtain legal custody of your cousin's child so that you are legally able to make decisions for the child. Once you have established legal custody of the child, you can then apply for the scholarship.

7. I am in jail. My mother is taking care of my daughter for me. Can my mother apply for the scholarship for my daughter?

   No. Your mother would first have to establish either legal custody or temporary legal custody of your daughter before she could apply for the scholarship.

8. I have a notarized letter from the student's mother stating that she wants the student to be in my custody. Is this enough to apply for the scholarship? No. Notarized letters do not establish legal custody. Anyone who is not the biological mother must go to court to obtain legal custody of the student.

9. I am the student's aunt. I have been named his legal custodian by the courts. Can I apply for the scholarship for him?

   Yes, you can. If you have valid court documentation showing that you are the student's legal custodian, then you can apply for the scholarship for the student if he meets the eligibility criteria.

10. I am the student's grandfather. I have been his legal custodian for 5 years. His mother is in the process of getting custody back for him in the next few months. Who can apply for the scholarship for him?

    The person who has legal custody of the student at the time of application is the one who can apply for the scholarship. If the mother gains custody of the student a few months after the application period, then she needs to inform both the private school and Scholarship program staff about this at that time so that she can be added as the primary guardian.

11. I am the student's stepparent. Can I apply for the scholarship for the student?

    No. Stepparents do not automatically have legal rights to a student just because they are married to the student's biological parent. Only stepparents who have gone to court and obtained legal custody of a student can apply for the scholarship.

12. My husband and I are in the process of getting a divorce. Which of us can apply for the scholarship for our child?

    It depends on who is named as the primary guardian by the courts. In most instances, one parent is designated as the parent of residence. This would be the parent who could apply for the scholarship for the student. If both parents are granted equal say in all aspects of the child's welfare, then either parent could apply for the scholarship but a copy of the legal document showing equal parenting would be needed.

13. I have a "grandparent affidavit" from the courts that gives me the right to enroll my grandchild into school. Can I apply for the scholarship for my grandchild?

    No. A grandparent affidavit is not legal custody. To apply for a scholarship, the grandparent must have legal custody of the student.

14. I am a foster parent. Can I apply for the scholarship for my foster child?

    Only foster parents who have at least temporary legal custody of the student can apply for the scholarship. The student's eligibility depends on what school district is listed on the court documents as being financially responsible for the student's education.

15. I have legal custody of the student. However, while I live in one school district (e.g., Columbus City SD, Toledo City SD, Cincinnati SD, etc.), the court documents specify that another school district is financially responsible for providing an education for this student. Can I apply for the scholarship for this student?

    Because you have legal custody of the student, you can apply on their behalf. However, the student's eligibility will not be based on your district of residence; it will be based on the district that the court has deemed as financially responsible for the student's education.