

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

WANDA LANE,	:	APPEAL NO.	C-250618
Plaintiff-Appellee,	:	TRIAL NO.	P/23/1158 Z
vs.	:		
			<i>JUDGMENT ENTRY</i>
MIRACLE HURSTON,	:		
Defendant-Appellant.	:		

ZAYAS, Judge.

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In this pro se appeal, we are asked to determine whether the juvenile court appropriately ruled on appellant-father’s objections to the magistrate’s child-support decision. The magistrate ordered father to pay child support to appellee-maternal grandmother, the interim/legal custodian of father’s daughter during the relevant period. After overruling father’s objections, the juvenile court “accepted and approved” the magistrate’s decision as the judgment of the court.

In the first assignment of error, father challenges the juvenile court’s finding that it was required to presume the regularity of the child-support proceedings before the magistrate where father failed to file any transcript upon his objections to the magistrate’s decision. Father asserts that no transcript was required as he raised purely legal questions in his objections, and thus the juvenile court erred in presuming the regularity of the proceedings as this amounted to improper deference to the

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magistrate's decision, rather than the requisite independent review of the matter required by Juv.R. 40(D)(4)(d).

A review of the juvenile court's decision, in its entirety, reveals no indication that it presumed the regularity of the proceedings on the issues raised in father's objections or that the juvenile court failed to conduct the requisite independent review of his objections.

First, the court specifically stated that, despite the lack of transcripts, it reviewed the docket of prior proceedings, the exhibits admitted into evidence, and the written arguments of the parties. Further, the court explicitly laid out the relevant procedural posture, summarized the arguments of the parties, and then entered its own independent analysis of the issues raised by father, indicating no deference to the magistrate's decision. Thus, contrary to father's assertion, the juvenile court's decision does not indicate that it failed to conduct the requisite independent review under Juv.R. 40(D)(4)(d) of the objected-to matters. Therefore, we overrule the first assignment of error.

In the second assignment of error, father argues that the juvenile court erred in concluding that the magistrate's child-support order was not premature, despite the existence of an active appeal challenging the underlying custody judgment upon which the obligation is based.

In essence, father challenges whether it was appropriate for the juvenile court to enter a support order when the underlying custody determination was pending on appeal. Notably, he points to no authority in support of his argument that an appeal must be resolved before the juvenile court can award child support to a legal custodian, absent a stay of the judgment awarding legal custody of the child to the custodian.

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Nevertheless, former R.C. 3119.07(C)—in effect when grandmother’s complaint was filed—provided, “If neither parent of a child who is the subject of a child support order is the residential parent and legal custodian of the child and the child resides with a third party *who is the legal custodian of the child*, the court shall issue a child support order requiring each parent to pay that parent’s child support obligation pursuant to the child support order.” (Emphasis added.) Grandmother was the legal custodian of father’s daughter at the time of trial, and no stay of the custody judgment was apparently rendered. Beyond that, father does not challenge the time period for which the juvenile court ordered child support. Further, father’s daughter was in grandmother’s care at the time that the complaint was filed and at the time of trial. *Compare In re H.E.C.*, 2022-Ohio-1989, ¶ 13 (12th Dist.) (holding that a *former* “temporary custodian” of a child could not pursue child support for a prior period of care where the child-support request was initiated *after* the period of care in question ended and where “[t]he plain language of [former] R.C. 2151.231 permits only the custodian of a child with whom a child *resides* [i.e., present tense] to bring an action in a juvenile court . . . for an order requiring a parent of the child to pay an amount for the support of the child.” (Emphasis in original.)).

Consequently, because grandmother was the legal custodian of father’s daughter at the time of trial and because father does not challenge the time period for which the juvenile court ordered child support, we overrule the second assignment of error.

Based on the foregoing, we overrule the assignments of error and affirm the judgment of the juvenile court.

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The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

KINSLEY, P.J., and **MOORE, J.**, concur.

To the clerk:

Enter upon the journal of the court on 5/29/2026 per order of the court.

By:  _____
Administrative Judge