

[Cite as *In re Guardianship of Wiggins*, 2010-Ohio-3998.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93350

**IN RE: GUARDIANSHIP OF
KAMAR WIGGINS**

**JUDGMENT:
AFFIRMED**

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Probate Division
Case No. 2009GDN0145539

BEFORE: Jones, J., McMonagle, P.J., and Dyke, J.

RELEASED AND JOURNALIZED: August 26, 2010

FOR APPELLANT

Latasha Stevens, Pro se
7240 Duxbury Court
Oakwood Village, Ohio 44146

FOR APPELLEE

Lamar Arnold, Pro se
17276 Libby Road
Maple Hts., Ohio 44137

LARRY A. JONES, J.:

{¶ 1} Appellant Latasha Wiggins (“Wiggins”)¹ appeals the trial court’s judgment granting guardianship of Kamar Wiggins (“Kamar”) to Lamar Arnold (“Arnold”). Finding no merit to the appeal, we affirm.

{¶ 2} In March 2009, Kamar’s mother died. Wiggins, Kamar’s maternal aunt, took the child to live with her. Wiggins and Arnold, Kamar’s maternal grandfather, subsequently filed separate petitions in probate court for guardianship over Kamar. The court held a hearing on the petitions, accepting testimony from several witnesses appearing on behalf of Wiggins and two county social workers who had been involved with the family.

¹ The record reflects that Wiggins legally changed her surname to Stevens in 2007. She applied for guardianship, however, using the name Wiggins.

{¶ 3} After the hearing, the trial court issued a decision denying Wiggins's application for guardianship and granting Arnold's petition. The court ordered Wiggins to turn the child over to Arnold at the next family visit.

{¶ 4} Wiggins filed a timely pro se notice of appeal. Although her appellant's brief does not comply with appellate rules, we are able to easily glean from her narrative argument that she feels the trial court erred in denying her petition for guardianship.

{¶ 5} We are unable to review the merits of her claims, however, because Wiggins failed to file a transcript of the hearing in probate court or a valid statement of the proceedings under App.R. 9(C). It is well established that the duty to provide a transcript for appellate review falls upon the appellant. *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 400 N.E.2d 384. Absent a transcript of the proceedings, a court will presume regularity and the validity of the judgment of the trial court. *Ostrander v. Parker-Fallis Insulation Co.* (1972), 29 Ohio St.2d 72, 74, 278 N.E.2d 363.

{¶ 6} Thus, without a transcript, we are unable to review the court's determination. Therefore, we must presume the validity of the trial court proceedings and affirm the trial court's judgment. This decision, however, does not preclude Wiggins from filing a motion with the trial court for visitation with Kamar.

{¶ 7} Accordingly, judgment is affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

LARRY A. JONES, JUDGE

CHRISTINE T. MCMONAGLE, P.J., and
ANN DYKE, J., CONCUR