

[Cite as *Schroll v. Cossu*, 2010-Ohio-4691.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94963

LARRY M. SCHROLL

PLAINTIFF-APPELLEE

vs.

KAREN COSSU

DEFENDANT-APPELLANT

and

CUYAHOGA COUNTY CSEA

DEFENDANT-APPELLEE

**JUDGMENT:
AFFIRMED**

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Juvenile Division
Case No. PR 84771807

BEFORE: Stewart, J., Gallagher, A.J., and Blackmon, J.

RELEASED AND JOURNALIZED: September 30, 2010

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MELODY J. STEWART, J.:

{¶ 1} This case came to be heard upon the accelerated calendar pursuant to App.R. 11.1 and Loc.R. 11.1,¹ the record from the Cuyahoga County Court of Common Pleas — Juvenile Division, the briefs, and oral argument of counsel. Appellant-mother, Karen Cossu, appeals from a juvenile division judgment that ordered appellee-father, Larry Schroll, to pay \$17,014.42 in child support arrearages. Cossu complains that the court erred by failing to order Schroll to pay interest on the judgment from February 2007.

{¶ 2} Unpaid and delinquent child support installments in a domestic relations proceeding that have not been reduced to a lump-sum judgment are not subject to the interest provisions of R.C. 1343.03. See *Dunbar v. Dunbar*, 68 Ohio St.3d 369, 370, 1994-Ohio-509, 627 N.E.2d 532, syllabus. This principle applies with equal force to child support installment payments ordered by the juvenile division that have not been reduced to a lump-sum judgment. The court did not reduce the arrearages to judgment until March 10, 2010, so no interest could be awarded before that date.

{¶ 3} It is true that a magistrate's decision dated February 2007 found that Schroll owed Cossu "\$17,014.52 [sic]" in support arrears as of December 13, 2000, the date of the child's emancipation. However, Cossu objected to the

¹App.R. 11.1(E) states that "[i]t shall be sufficient compliance with App.R. 12(A) for the statement of the reason for the court's decision as to each error to be in brief and conclusionary form." See, also, Form 3, Appendix of Forms to the Rules of Appellate Procedure.

magistrate's decision in part due to the magistrate's failure to reduce the amount of support arrears to judgment and the failure to award interest on the arrears. The court sustained those objections, ordering the matter returned to the magistrate "for a hearing to determine if reducing arrearages to judgment serves and protects the best interests of the child." The court later noted that the parties stipulated that Schroll owed Cossu support arrears in the amount of \$17,014.42 and that they further stipulated that among the issues pending for resolution was whether Cossu was "entitled to have the arrearages reduced to judgment?" That issue — whether the arrearages should be reduced to judgment — was not decided until March 10, 2010. So even though the parties stipulated to the amount of child support arrearages in February 2007, the court did not reduce that amount to judgment until March 10, 2010. No interest was due until that time.²

Judgment affirmed.

It is ordered that plaintiff-appellee recover of defendant-appellant his costs herein taxed.

The court finds there were reasonable grounds for this appeal.

²Schroll notes that the court's decision to award interest from January 29, 2010 was in error because it did not reduce the arrearages to lump sum judgment until March 10, 2010. We agree. But Schroll did not file a cross-appeal so he waived the right to argue that point on appeal.

It is ordered that a special mandate issue out of this court directing the Cuyahoga County Court of Common Pleas — Juvenile Division 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.

MELODY J. STEWART, JUDGE

SEAN C. GALLAGHER, A.J., and
PATRICIA ANN BLACKMON, J., CONCUR