

[Cite as *Allen v. Walden*, 2004-Ohio-453.]

IN THE COURT OF APPEALS FOR GREENE COUNTY, OHIO

LESTER L. ALLEN	:	
	:	C.A. CASE NO. 2003 CA 49
Plaintiff-Appellant	:	
v.	:	T.C. CASE NO. 2003 FS 01
	:	
GEORGIA R. WALDEN	:	(Civil Appeal from Common
	:	Pleas Court, Division of
	:	Defendant-Appellee
	:	Domestic Relations)
	:	

OPINION

Rendered on the 6th day of February, 2004.

LESTER L. ALLEN, #429037, P. O. Box 5500, Chillicothe, Ohio 45601
Plaintiff-Appellant

BRYAN K. STEWART, Atty. Reg. No. 0042122, 249 S. Garber Dr., Tipp City, Ohio 45371
Attorney for Defendant-Appellee

FREDERICK N. YOUNG, J.

{¶1} Lester Allen is appealing the judgment of the Greene County Common Pleas Court, which entered a judgment against him in the amount of \$60,333.62.

{¶2} G. Roberta Walden and Lester Allen were married and had a son on December 22, 1985. The couple's marriage ended in divorce in January of 1988 in Michigan. Walden was given sole custody of their son and Allen was ordered to pay child support. Allen failed to pay any child support, which resulted in a child support arrearage.

{¶3} On January 6, 2003, Walden filed a petition in Greene County Common Pleas Court, Ohio, Division of Domestic Relations, to enforce a child support order originating from the State of Michigan. The child support order was from the State of Michigan, Third Judicial Circuit, Wayne County, and provided for the support of Allen and Walden's minor child. Pursuant to 3115.42(B) proper notice was given to Allen, who was incarcerated at the Chillicothe Correctional Institute. Walden's petition was granted on January 6, 2003.

{¶4} On April 2, 2003, Walden filed a motion for relief that requested a lump sum judgment against Allen for the child support arrearage, attorney fees and costs. A hearing was held on the motion on May 7, 2003 with Allen in attendance. After hearing the testimony and reviewing the documentary evidence, the trial court rendered a lump sum judgment against Allen in the amount of \$60,333.62.

{¶5} Allen has filed this appeal from that judgment, alleging that the trial court did not have jurisdiction to enforce the Michigan child support order. We disagree.

{¶6} R.C. 3115.16(B) states:

{¶7} "A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following consistent with applicable sections of Chapters 3105., 3109., 3111., 3113., 3119., 3121., 3123., and 3125. of the Revised Code:

{¶8} “(1) Issue or enforce a support order, * * *

{¶9} “(2) Order an obligor to comply with a support order, specifying the amount and manner of compliance.”

{¶10} The First District Court of Appeals has noted that “[u]nder R.C. 3115.16(B)(1), an Ohio responding court can to the extent authorized by law , ‘[i]ssue or enforce a support order, modify a child support order, or determine the existence or nonexistence of a parent and child relationship.’ *Walker v. Amos* (2000), 140 Ohio App.3d 32, 41.

{¶11} In support of his argument that the Ohio trial court lacked jurisdiction over this case, Allen cites R.C. 3109.24 and R.C. 3109.21(B). R.C. 3109.24 provides “[a] court of this state shall not exercise its jurisdiction, if at the time of filing the petition a parenting proceeding concerning the child was pending in a court of another state exercising jurisdiction substantially in conformity with sections 3109.21 to 3109.36 of the Revised Code.” R.C. 3109.24(A). A parenting proceeding is defined in R.C. 3109.21(C) as “proceedings in which a parenting determination is one of several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings.” A parenting determination is defined in R.C. 3109.21(B) as:

{¶12} “[A] court decision and court orders and instructions that, in relation to the parents of a child, allocates parental rights and responsibilities for the care of the child, including any designation of parenting time rights, and designates a residential parent and legal custodian of the child or that, in relation to any other person, provides for the custody of a child, including visitation rights. It does not include a decision relating to child support or any other monetary obligation of any person.”

{¶13} The statutes to which Allen cites for his determination that the trial court did not have jurisdiction limit a court's jurisdiction when a parenting proceeding was pending in another's state's court. A parenting proceeding has a parenting determination as one of the issues in the proceeding. A parenting determination was not present in this case. This case stemmed from a divorce and an existing child support order. Walden merely sought to enforce this child support order in the Greene County Common Pleas Court. Therefore, R.C. 3109.24 and R.C. 3109.21(B) do not prevent the trial court from having jurisdiction in this case. On the contrary, R.C. 3115.16(B)(1) permits an Ohio court to enforce a child support order issued in another state. Thus, the trial court did have jurisdiction to enter its lump sum judgment against Allen. Allen's assignment of error is without merit and is overruled.

{¶14} Further, we note that if Allen had obtained counsel to represent him in this action, this appeal would likely not have been brought as it is so lacking in value.

{¶15} Allen's motions filed on January 2, 2004 and January 6, 2004 are without merit and are overruled.

{¶16} The judgment of the trial court is affirmed.

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BROGAN, J. and GRADY, J., concur.

Copies mailed to:

- Lester L. Allen
- Bryan K. Stewart
- Hon. Steven Hurley