

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

D.W. Court of Appeals No. L-11-1099

Appellee Trial Court No. JC 01086007

v.

T.R. **DECISION AND JUDGMENT**

Appellant Decided: June 16, 2011

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Clint M. McBee, for appellant.

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PER CURIAM

{¶1} This matter is before the court on a motion to stay enforcement of a judgment, filed by defendant-appellant T.R. on June 1, 2011. Plaintiff-appellee D.W. has filed an opposition to this motion. On April 21, 2011, the Juvenile Division of the Lucas County Court of Common Pleas entered a judgment modifying the parties' parental rights

and responsibilities, thereby designating plaintiff-appellee D.W. as the residential parent and legal custodian of the parties' two sons. That same day, appellant filed a motion for stay of judgment in the trial court, which the trial court denied on May 23, 2011. On April 28, 2011, T.R. filed an appeal from the April 21, 2011 judgment. Appellant now moves this court, pursuant to App.R. 7(A), to stay the enforcement of the April 21, 2011 judgment modifying the parties' parental rights and responsibilities pending her appeal.

{¶2} Upon due consideration, the court finds the motion not well-taken, and it is denied. This court is exceedingly mindful of the effect of these types of proceedings on children. In this case, appellant has not provided any affidavits or sworn statements that would indicate to us that a stay of the enforcement of the judgment is in the children's best interest. Instead, appellant avers that one of the children has already been removed from private school and placed in public school pursuant to the trial court's judgment entry, thus disrupting the child. However, granting a stay would only compound the disruption that has already occurred.

{¶3} It is therefore ordered that appellant T.R.'s motion to stay is hereby denied.

MOTION DENIED.

Mark L. Pietrykowski, J

JUDGE

Arlene Singer, J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

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