

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

In the Matter of:	:	
N.H. et al.,	:	No. 10AP-620
(N.T.,	:	(C.P.C. No. 07JU-09-13433)
	:	(REGULAR CALENDAR)
Appellant).	:	
In the Matter of:	:	No. 10AP-621
N.T.,	:	(C.P.C. No. 07JU-09-13432)
(N.T.,	:	(REGULAR CALENDAR)
Appellant).	:	

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D E C I S I O N

Rendered on March 29, 2011

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*Paula J. Copeland*, for appellant.

*Julie Van De Mark*, for appellee Paternal Aunt.

*David Colley, Robert McClaren*, for appellee Franklin County Children Services.

*Rosemarie A. Welch*, Guardian ad Litem.

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APPEALS from the Franklin County Court of Common Pleas,  
Division of Domestic Relations, Juvenile Branch

TYACK, J.

{¶1} N.T. is appealing the decision of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, in which decision the court did not grant custody of three of her children to her father, with whom she resides, but, instead, granted custody to Karen Haley, a paternal aunt, with whom the children have been residing.

{¶2} N.T. assigns three errors for our consideration:

I. THE TRIAL COURT ERRED BY GRANTING LEGAL CUSTODY TO KAREN HALEY (PATERANL AUNT) INSTEAD OF TO SAMUEL JAMUISON (MATERNAL GRANDFATHER), AS THE DECISION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE THAT THE HOMES ARE SUBSTANTIALLY EQUAL AND APPROPRIATE HOMES FOR THE CHILDREN.

II. THE TRIAL COURT ERRED BY GRANTING LEGAL CUSTODY TO KAREN HALEY (PATERNAL AUNT) INSTEAD OF TO SAMUEL JAMUISON (MATERNAL GRANDFATHER), AS THE DECISION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE THAT THE GUARDIAN AD LITEM DID NOT COMPETENTLY AND ADEQUATELY PERFORM HER DUTIES AS A REPRESENTATIVE OF THE MINOR CHILDREN.

III. THE TRIAL COURT ERRED BY GRANTING LEGAL CUSTODY TO KAREN HALEY (PATERNAL AUNT) INSTEAD OF TO SAMUEL JAMUISON (MATERNAL GRANDFATHER), AS THE DECISION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE THAT THE MOTHER HAD SUBSTANTIALLY COMPLETED HER CASE PLAN, HAD DEMONSTRATED SHE COULD PARENT HER CHILDREN, AND THAT SHE WAS THRIVING IN THE SUPPORTIVE HOME OF SAMUEL JAMUISON.

{¶3} Custody of three of N.T.'s children was granted to Franklin County Children Services after N.T. abused herself in an apparent attempt to harm her unborn child. That child is not one of the children whose custody is in dispute in this case.

{¶4} On appeal, N.T. is not asking that she be given custody of her three older children. Instead, she asserts that her father is the appropriate custodian, with the side benefit that the children would be living with her in her father's house. N.T.'s father has not pursued an appeal on his own behalf.

{¶5} N.T. does not have legal standing to pursue an appeal on her father's behalf. Even though N.T. will be affected by the court, that effect does not grant her legal standing.

{¶6} We have so held in two recent cases. In *In re Conn*, 10th Dist. No. 03AP-348, 2003-Ohio-5344, we held that a father lacked standing to assert the claims of a relative who did not pursue their own appeal. In *In re J.C.*, 10th Dist. No. 09AP-1112, 2010-Ohio-2422, we held that a mother lacked standing to assert rights of a grandparent who did not pursue an appeal. We find these cases to be directly on point.

{¶7} Since N.T. does not have the standing to raise the issues set forth in her brief, we overrule the assignments of error. As a result, the judgments of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, are affirmed.

*Judgments affirmed.*

BRYANT, P.J., and CONNOR, J., concur.

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