

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

April L. Simmons et al.,	:	
Plaintiffs-Appellees,	:	
v.	:	No. 15AP-626
Audrea A. Easley,	:	(C.P.C. No. 15JU-1878)
Defendant-Appellant,	:	(ACCELERATED CALENDAR)
Tyrone M. McClure,	:	
Defendant-Appellee.	:	

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D E C I S I O N

Rendered on November 19, 2015

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*Audrea A. Easley, pro se.*

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

LUPER SCHUSTER, J.

{¶ 1} Defendant-appellant Audrea A. Easley appeals from a judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch adopting a magistrate's decision setting child support payable by Easley.

{¶ 2} Easley is the mother of a minor child currently in the custody of a relative, plaintiff-appellee April L. Simmons. The matter began with a "complaint to establish the father-child relationship and to set support" filed by Simmons on behalf of the minor child against Easley and the child's putative father. Counsel for Simmons and the child has been provided throughout these proceedings by the Franklin County Child Support Enforcement Agency. The complaint seeks to establish the parent-child relationship and obtain payment of child support by Easley and the putative father.

{¶ 3} As the matter progressed, the putative father was excluded from parentage. A magistrate held a hearing June 1, 2015 and rendered a decision on June 9, 2015 that (1) established the non-existence of the father-child relationship between the putative father and the minor child, (2) set child support payable by Easley in the amount of \$269.19 per month, and (3) established a small liquidated arrearage for past support. Easley did not file objections to the magistrate's decision, and the trial court's adoption of the magistrate's decision duly became effective June 23, 2015, upon expiration of the 14-day period for filing objections under Civ.R. 53(D)(3)(b)(i).

{¶ 4} In the present appeal, Easley argues that the imposition of child support presents an undue hardship in her limited financial circumstances. She relates that she has four other children at home and works a limited schedule because of child-care needs. She receives public assistance for housing and other necessities. She argues that although her public assistance is adjusted with reference to her low income, the child support expense imposed by the trial court does not contribute to such adjustments and leaves her without the means to care for her other children.

{¶ 5} Without in any way passing on the merits of Easley's situation, we find that we are unable to address her arguments on appeal because she failed to raise them in objections before the trial court. Civ.R. 53(D)(3)(b)(i) provides that a party may file written objections to a magistrate's decision within 14 days of the filing of the decision, whether or not the court has adopted that decision during the period. "If no timely objections are filed, the court may adopt a magistrate's decision unless it determines that there is an error of law or other defect evident on the face of the magistrate's decision." Civ.R. 53(D)(4)(c).

{¶ 6} Civ.R. 53(D)(3)(b)(iv), entitled "Waiver of right to assign adoption by court as error on appeal," specifically states that, other than instances of plain error, a party shall not assign as error on appeal the trial court's adoption of any factual finding or legal conclusion unless the party has objected to that finding or conclusion as required by Civ.R. 53 (D)(3)(b). We are therefore constrained to review Easley's appeal under the plain error standard.

{¶ 7} In a civil appeal, we will find plain error only if "the asserted error 'seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby

challenging the legitimacy of the underlying judicial process itself.' " *Claffey v. Natl. City Bank*, 10th Dist. No. 11AP-95, 2011-Ohio-4926, ¶ 15, quoting *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 123 (1997). Based on the limited record before us, the facts of the present case do not meet that standard. Although Easley alleges that the outcome of proceedings in the trial court resulted in an order that is unduly burdensome, she does not allege that the integrity of the judicial process is called into question.

{¶ 8} Without minimizing the importance to Easley of the financial issues she describes, we are legally unable to address them in this appeal. Easley's remedy would only lie in further proceedings before the trial court if she seeks modification of her support obligation. The errors described in Easley's brief are not well-taken, and the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch is affirmed.

*Judgment affirmed.*

SADLER and HORTON, JJ., concur.

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