

[Cite as *In re D.J.*, 2015-Ohio-2295.]

IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
MONTGOMERY COUNTY

IN RE: D.J.

Appellate Case No. 26599

Trial Court Case Nos. 1997-6804 (0B)

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**DECISION AND FINAL JUDGMENT ENTRY**

June 8, 2015

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PER CURIAM:

{¶ 1} Appellant filed an appeal from the “Decision and Judgment Concerning Objections to the Decision of the Magistrate,” issued by the Juvenile Division of the Common Pleas Court of Montgomery County, Ohio on February 10, 2015. On April 2, 2015, this court ordered Appellant to show cause as to why the appeal should not be dismissed for lack of a final appealable order. It appeared to this court that the February 10, 2015 Decision was not final and appealable in accordance with R.C. 2505.02 and *Bennett v. Bennett*, 2d Dist. Clark No. 11CA52, 2012-Ohio-501, 969 N.E.2d 344 (describing requirements for final orders when a trial court resolves objections to and adopts a magistrate’s decision).

{¶ 2} Appellant filed a response to the show cause order, asserting that this court generally has jurisdiction to hear appeals from the Juvenile Division of the Montgomery County Common Pleas Court. He notes that child support is still being assessed against

him and argues that the amount is improper. He does not address the particular jurisdictional issue this court raised in the show cause order.

{¶ 3} We agree with Appellant that this court generally has jurisdiction over appeals arising from cases in the Juvenile Division of the Montgomery County Common Pleas Court. However, an appellate court has jurisdiction to review only final orders or judgments of the lower courts in its district. Section 3(B)(2), Article IV, Ohio Constitution; R.C. 2505.02. In other words, for this court to review those cases, including Appellant's case, the trial court must have issued a final appealable order. R.C. 2505.02.

{¶ 4} In the *Bennett* case, this court discussed the standard for final appealable orders when the trial court resolves objections to a magistrate's decision:

A trial court must render its own separate judgment and may not simply state that it approves, adopts, or incorporates a magistrate's decision. A judgment entry is not sufficient if it merely recites that a recommendation/decision is approved and adopted thereby requiring the parties to refer to another document in order to determine exactly what their rights and obligations are. It has been said that ' \* \* \* the judgment entry must be worded in such a manner that the parties can readily determine what is necessary to comply with the order of the court' and need not resort to any other documents. Accordingly, for a judgment entry of the court to be a final appealable order, it must adopt, reject, or modify the magistrate's decision and state, for identification purposes, the date the magistrate's decision was filed. It should state the outcome and contain an order which states the relief granted so that the parties are able to determine their rights

and obligations by referring solely to the judgment entry and should be a document separate from the magistrate's decision.

*Bennett* at ¶ 20 (internal quotations and citations omitted). See also *Harkai v. Scherba Industries, Inc.*, 136 Ohio App.3d 211, 218, 736 N.E.2d 101 (9th Dist.2000) ("Although the judge entirely agrees with the decision of the magistrate, the judge must still separately enter his or her own judgment setting forth the outcome of the dispute and the remedy provided"); *In re Michael*, 71 Ohio App.3d 727, 729-730, 595 N.E.2d 397 (11th Dist.1991) ("This determination must sufficiently address those issues so that the parties may know of their rights and obligations by referring only to that document known as the judgment entry").

{¶ 5} This line of cases essentially articulates a one-document rule. A judgment entry that only refers to and/or adopts another entry/decision/order requires the parties, the public, and this court to refer to another entry/decision/order to determine what it is that the trial court "adopted and made its own" order.

{¶ 6} The February 10, 2015 Decision at issue here does resolve objections and adopt the magistrate's decision. However, the Decision does not contain the trial court's own order on the underlying motion or articulate any remedy to be granted or denied. It is unclear from the Decision itself what, if anything, the magistrate ordered, and what the trial court approved when it adopted the magistrate's decision. Without a clear articulation of the trial court's action and the "provisions and requirements" of the magistrate's decision that the trial court adopted, the parties must refer to other documents to understand their rights and obligations. According to *Bennett*, the Decision is not a final appealable order.

{¶ 7} Without a final appealable order, this court lacks jurisdiction. *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 20, 540 N.E.2d 266 (1989). We therefore DISMISS the appeal.

{¶ 8} Pursuant to Ohio App.R. 30(A), it is hereby ordered that the Clerk of the Montgomery County Court of Appeals shall immediately serve notice of this judgment upon all parties and make a note in the docket of the mailing.

SO ORDERED.

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JEFFREY E. FROELICH, Presiding Judge

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MARY E. DONOVAN, Judge

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JEFFREY M. WELBAUM, Judge

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