

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

H.H.

Court of Appeals No. L-12-1217

Appellee

Trial Court No. JC11214061

v.

J.L.

**DECISION AND JUDGMENT**

Appellant

Decided: October 11, 2013

\* \* \* \* \*

J.L., pro se.

\* \* \* \* \*

**SINGER, P.J.**

{¶ 1} Appellant, J.L., appeals the judgment of the Lucas County Court of Common Pleas, Juvenile Division, overruling his objection to a magistrate's decision setting child support for his two children.

{¶ 2} Appellant is the acknowledged father of two minor children. On April 14, 2011, the Lucas County Child Support Enforcement Agency filed a complaint in the trial

court requesting the court address child support and health issues of the children. After prolonged delays by appellant, a magistrate, following a hearing, entered a temporary support order. The magistrate imputed \$11,000 in income to appellant and ordered that he pay monthly support of \$86.10 per child and \$40 per month against arrearages. The temporary order was made permanent after a May 12, 2012 hearing at which appellant failed to appear.

{¶ 3} On May 15, 2012, appellant filed objection to the magistrate's decision, asserting the magistrate failed to consider certain assets and income of the obligee, visitation issues and the Indian Child Welfare Act. Appellant failed to file a transcript of the proceeding before the magistrate. The trial court overruled appellant's objections and affirmed and adopted the magistrate's decision. Appellant now appeals this judgment.

{¶ 4} Pursuant to 6th Dist.Loc.App.R. 12(A), we sua sponte transfer this matter to our accelerated docket and render our decision.

{¶ 5} As the trial court property noted, Juv.R. 40(D)(3)(b)(iii) requires that a party objecting to a magistrate's factual finding submit a transcript or substitute to the court within thirty days after filing objections. This requirement was printed on the magistrate's decision. Since appellant failed to comply with this requirement, the court had no choice but to overrule his objections. Moreover, absent such a record on appeal the appellate court must presume the regularity of the proceedings and affirm the trial court. *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980).

{¶ 6} With respect to the Indian Child Welfare Act, the trial court is correct, 5 U.S.C. 1903 relates to custody, adoption or termination of parental rights for Native American children and has no application in a child support setting. *See In Re C.C.*, 187 Ohio App.3d 365, 2010-Ohio-780, 932 N.E.2d 360 (8th Dist.). Accordingly, appellant's sole assignment of error is not well-taken.

{¶ 7} On consideration whereof, the judgment of the Lucas County Court of Common Pleas, Juvenile Division, is affirmed. It is ordered that appellant pay court costs pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Arlene Singer, P.J.

JUDGE

Thomas J. Osowik, J.

JUDGE

James D. Jensen, J.  
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:  
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.