

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

Phillip Kauffman

Court of Appeals No. S-13-014

Appellee

Trial Court No. 10DR1072

v.

Stacy Kauffman

DECISION AND JUDGMENT

Appellant

Decided: June 13, 2014

* * * * *

Stacy Kauffman, pro se.

Lisa M. Snyder, for appellee.

* * * * *

PIETRYKOWSKI, J.

{¶ 1} This matter is before the court on appeal of the March 20, 2013 judgment of the Sandusky County Court of Common Pleas, Domestic Relations Division, which granted the parties, appellant, Stacy Kauffman, and appellee, Phillip Kauffman, a divorce, divided the parties' assets and debts, designated appellee as the residential parent

of their minor son, and ordered appellant to pay child support. For the reasons that follow, we affirm.

{¶ 2} The parties were married in 2006, and had one minor child born in 2006. On September 27, 2010, appellee filed a complaint for divorce and requested that he be named the residential parent of the parties' son, be awarded child support, and be awarded an equitable division of the marital property.

{¶ 3} On December 27, 2010, a consent judgment entry was filed wherein, the parties agreed that appellee would be designated the temporary residential parent and the parties were to follow the standard parenting schedule. The issue of child support remained pending. A guardian ad litem was appointed by the court.

{¶ 4} During the course of the proceedings, issues arose regarding parenting time and multiple show cause motions were filed. Eventually, after police involvement, the exchange of the child for parenting time was ordered to take place at the Village House in Fremont, Ohio. There were also allegations of drug and alcohol use and testing was ordered for both parties. The test results were negative.

{¶ 5} On May 16, 2012, appellant requested that she be granted custody of the child due to issues regarding parenting time and an allegation that the guardian ad litem had a conflict of interest. Exercising caution, the court appointed a second guardian. Both guardians ad litem submitted reports.

{¶ 6} In its March 20, 2013 judgment entry of divorce, the trial court granted the divorce on the basis of incompatibility and designated appellee as the residential parent

and legal custodian of the parties' child. Appellee was also awarded the marital residence and ordered to pay appellant one-half the equity in the home. Appellant was ordered to pay child support in the sum of \$195.74 per month plus processing fee. Appellee was ordered to provide medical insurance so long as it was offered by his employer. This appeal followed.

{¶ 7} Appellant, pro se, raises the following assignment of error:

The trial court erred by failing to: properly value and distribute household goods, marital assets and liabilities equally, calculate child support properly, award spousal support, division of court costs, allowing Phillip to claim child every year, award equitable division of equity, and most of [sic] determination of residential parent properly.

{¶ 8} Before addressing appellant's assignment of error, we note that appellant has not filed transcripts of the hearings held on February 3, 2012, March 8, 2012, April 9, 2012, and February 13, 2013. Pursuant to App.R. 9, it is the duty of the appellant to provide a transcript for appellate review. *Mentor v. Molk*, 11th Dist. Lake No. 2010-L-112, 2011-Ohio-3120, ¶ 11, citing *Warren v. Clay*, 11th Dist. Trumbull No. 2003-T-0134, 2004-Ohio-4386; *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980). This duty is “necessary because an appellant shoulders the burden of demonstrating error by reference to matters within the record.” *Id.* If the appellant fails to provide a complete transcript, the appellate court will presume the

regularity of the trial court's proceedings in evaluating the issues presented on appeal. *Hartt v. Munobe*, 67 Ohio St.3d 3, 7, 615 N.E.2d 617 (1993). See also *Knapp, supra*.

{¶ 9} We note that a trial court's decisions relating to child custody and support and the allocation of marital property and debt are all reviewed under an abuse of discretion standard. See *Masters v. Masters*, 69 Ohio St.3d 83, 85, 630 N.E.2d 665 (1994); *Dunbar v. Dunbar*, 68 Ohio St.3d 369, 371, 627 N.E.2d 532 (1994); *Cherry v. Cherry*, 66 Ohio St.2d 348, 355, 421 N.E.2d 1293 (1981). We have before us the record of the filings in the trial court, the exhibits presented during one or more of the hearings, and the recommendations of the initial (the court never concluded that a conflict existed) and subsequent guardian ad litem which the court relied upon.

{¶ 10} Upon review, we cannot say that the trial court abused its discretion in rendering its March 20, 2013 judgment entry of divorce. Accordingly, appellant's assignment of error is not well-taken.

{¶ 11} On consideration whereof, we find that substantial justice was done the party complaining and the judgment of the Sandusky County Court of Common Pleas, Domestic Relations Division, is affirmed. Pursuant to App.R. 24, appellant is ordered to pay the costs of this appeal.

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.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, 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:
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