

[Cite as *In re N. B.*, 2004-Ohio-859.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 83459

|                   |   |                    |
|-------------------|---|--------------------|
| IN THE MATTER OF: | : |                    |
| N.B., ET AL.      | : |                    |
|                   | : | ACCELERATED DOCKET |
|                   | : |                    |
|                   | : | JOURNAL ENTRY      |
|                   | : |                    |
|                   | : | AND                |
|                   | : |                    |
|                   | : | OPINION            |

|                                      |                   |
|--------------------------------------|-------------------|
| Date of Announcement<br>of Decision: | FEBRUARY 26, 2004 |
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| Character of Proceeding: | Civil appeal from<br>Court of Common Pleas<br>Juvenile Court Division<br>Case Nos. 0090003 and<br>0090004 |
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| Judgment: | Appeal dismissed. |
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Date of Journalization:

Appearances:

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| For Appellant Cuyahoga<br>County Department of<br>Children and Family<br>Services: | WILLIAM D. MASON, ESQ.<br>Cuyahoga County Prosecutor<br>JOSEPH C. YOUNG, ESQ.<br>DEBRA A. OBED, ESQ.<br>AMY L. CARSON, ESQ.<br>Assistant Prosecuting Attorneys<br>3343 Community College Avenue<br>Corr. F. |
|--|---|

Cleveland, Ohio 44115

For Appellee B.B.:

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[continued on next page]

Guardian Ad Litem:

JEAN M. BRANDT, ESQ.  
1028 Kenilworth Avenue  
Cleveland, Ohio 44113

JAMES J. SWEENEY, J.

{¶1} This appeal is before the Court on the accelerated docket pursuant to App.R. 11.1 and Loc.App.R. 11.1.

{¶2} This appeal is dismissed sua sponte for lack of a final appealable order pursuant to R.C. 2505.02. The order appealed from, inter alia, orders the children returned to this jurisdiction pending a hearing upon appellant's second motion for permanent custody. The trial court denied appellant's first motion for permanent custody, which this Court affirmed in *In re N.B.*, Cuyahoga App. No. 81392, 2003-Ohio-3656. Thus, the order to return the children to this jurisdiction in order to determine the best interests of the children pending a hearing on appellant's successive motion for permanent custody is not a final appealable order under R.C. 2505.02.

{¶3} For the foregoing reason, this appeal is dismissed.

The parties may move to reinstate this action within 30 days of obtaining a final appealable order.

{¶4} The appeal is dismissed.

Appeal dismissed.

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PATRICIA A. BLACKMON, P.J., and KENNETH A. ROCCO, J., CONCUR.

It is ordered that appellee recover of appellant her costs herein taxed.

It is ordered that a special mandate issue out of this Court directing the Court of Common Pleas Juvenile Court Division to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. 112, Section 2(A)(1).