

[Cite as *In re T.W.*, 2005-Ohio-3128.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT
COUNTY OF CUYAHOGA

NO. 85559

IN RE:	:	
T. W., ET AL.	:	
	:	JOURNAL ENTRY
	:	
	:	and
	:	
	:	OPINION
	:	
	:	

DATE OF ANNOUNCEMENT OF DECISION:	<u>JUNE 23, 2005</u>
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CHARACTER OF PROCEEDING:	Civil appeal from Juvenile Court Division of Common Pleas Court Case No. 9414991
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JUDGMENT:	Dismissed.
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DATE OF JOURNALIZATION:

APPEARANCE:

For Appellant:	DONALD E. HOWARD 3530 Warrensville Center Road Suite 221 Shaker Heights, Ohio 44122
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C.C.D.C.F.S.:	YVONNE C. BILLINGSLEY 3955 Euclid Avenue Cleveland, Ohio 44115
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For Guardian Ad Litem:	HENRY FREEMAN 815 Superior Avenue Superior Building, #300 Cleveland, Ohio 44114
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PATRICIA ANN BLACKMON, A.J.:

{¶ 1} This court previously dismissed this appeal for lack of a final appealable order; the trial court had failed to rule on three motions. One of the motions was a request for findings of facts and conclusions of law.

{¶ 2} This appeal again claims the trial court had failed to make findings of fact and conclusions of law. A review of the October 26, 2004 journal entry showed the trial court ruled on the three motions and held the findings of fact and conclusions of law motion moot. We can only glean from the record that the trial court believed the magistrate's report was sufficient. After a review of the report, we conclude the report is insufficient as a matter of law. See Civ.R. 52, and *In re: Adoption of Gibson* (1986), 23 Ohio St.3d 170, 172, 23; *Blue Chip Pavement Maintenance Inc. v. Ryan's Family Steak Houses* (June 28, 2004), 12th Dist. No. CA2003-09-072, 2004-Ohio-3357.

{¶ 3} Additionally, we note the trial court did give appellants-grandparents time to file findings of fact and conclusions of law, which were filed. Under Civ.R. 52, this is insufficient. The rule mandates "only those findings of fact and conclusions of law made by the court *shall* form part of the record." (Emphasis added.)

{¶ 4} We hereby order the trial court to issue findings of fact and conclusions of law within twenty (20) days of this journal entry.

This appeal is dismissed.

It is ordered that appellee recover from appellants his costs herein taxed.

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

ANTHONY O. CALABRESE, JR., J., and

MICHAEL J. CORRIGAN, J., CONCUR.

PATRICIA ANN BLACKMON
ADMINISTRATIVE JUDGE

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. II, Section 2(A)(1).