

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

JON G. PARKER

C.A. No. 27439

Appellant

v.

PAMELA A. PARKER

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. 2011-12-3645

Appellee

DECISION AND JOURNAL ENTRY

Dated: May 20, 2015

WHITMORE, Judge.

{¶1} Appellant, Jon Parker, appeals an order of the Summit County Court of Common Pleas, Domestic Relations Division. This Court dismisses the appeal because we do not have jurisdiction.

I

{¶2} Jon and Pamela Parker married in 1995, and they are the parents of three children. On June 20, 2014, the trial court entered a divorce decree that divided the parties' property, ordered Pamela to pay child support, and ordered Jon to pay spousal support. With respect to the allocation of parental rights and responsibilities, the decree provided:

By stipulation, [Jon] is allocated sole parental rights and responsibilities of the minor son Brandon. [Pamela] is allocated sole parental rights and responsibilities of the minor daughters, Morgan and Adrienne. By further stipulation, the parties and all three minor child children [*sic*] are to undergo counseling * * * to resolve issues between the parents and children including but not limited to exercise of parenting time. The cost of this counseling shall be divided equally by the parties. A review hearing is scheduled * * * to determine what parenting time should be ordered.

Jon filed this attempted appeal.

II

{¶3} This Court is obligated to raise questions related to our jurisdiction sua sponte. *Whitaker–Merrell Co. v. Geupel Constr. Co., Inc.*, 29 Ohio St.2d 184, 186 (1972). As relevant to this case, Civ.R. 75(F) requires a trial court to enter final judgment in a divorce action by entering a judgment that either addresses property division, spousal support, and parental rights and responsibilities, or incorporates prior judgments fully determining those issues. Specifically, Civ.R. 75(F) provides, in part:

For purposes of Civ. R. 54(B), the court shall not enter final judgment as to a claim for divorce, dissolution of marriage, annulment or legal separation unless one of the following applies:

(1) The judgment also divides the property of the parties, determines the appropriateness of an order of spousal support, and, where applicable, either allocates parental rights and responsibilities, including payment of child support, between the parties or orders shared parenting of minor children[.]

(2) Issues of property division, spousal support, and allocation of parental rights and responsibilities or shared parenting have been finally determined in orders, previously entered by the court, that are incorporated into the judgment[.]

“If a decree of divorce fails to conform to Civ.R. 75(F) by virtue of the trial court having neglected to allocate parental rights and responsibilities or order shared parenting, this Court lacks jurisdiction to consider an appeal from that decree.” *Murphy v. Murphy*, 9th Dist. Summit No. 25202, 2011-Ohio-176, ¶ 8, citing *Taylor v. Taylor*, 9th Dist. Lorain No. 10CA009790, 2010-Ohio-5794, ¶ 6-10.

{¶4} In this case, the trial court addressed the allocation of parental rights and responsibilities, but reserved judgment on the matter of parenting time. With respect to that issue, the trial court ordered the parties to obtain counseling and scheduled further proceedings to establish a parenting time schedule. Because the divorce decree did not fully determine the issue

of parental rights and responsibilities as required by Civ.R. 75(F), it is not final and appealable. *Murphy* at ¶ 8. *See also Taylor* at ¶ 8 (when an order leaves issues unresolved and contemplates that further action must be taken, it is not final and appealable).

III

{¶5} The order from which Jon has attempted to appeal is not final and appealable, and this Court does not have jurisdiction to consider Jon's three assignments of error. The appeal is dismissed.

Appeal dismissed.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

BETH WHITMORE
FOR THE COURT

HENSAL, P. J.
SCHAFFER, J.
CONCUR.

APPEARANCES:

SUNNY M. SIMON, Attorney at Law, for Appellant.

ARTHUR AXNER, Attorney at Law, for Appellee.