

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY**

IN THE MATTER OF:

J.B.

CASE NO. 2023-G-0001

Civil Appeal from the
Court of Common Pleas,
Juvenile Division

Trial Court No. 2021 CU 000123

**MEMORANDUM
OPINION**

Decided: February 21, 2023
Judgment: Appeal dismissed

R. Russell Kubyn, Kubyn & Ghaster, 8373 Mentor Avenue, Mentor, OH 44060 (For Appellant).

Laura M. Wellen, Thrasher, Dinsmore & Dolan, LPA, 100 Seventh Avenue, Suite 150, Chardon, OH 44024 (For Appellee).

JOHN J. EKLUND, P.J.

{¶1} On January 10, 2023, appellant, Pamela L. Braun, through counsel, filed an appeal from a December 29, 2022 entry of the Geauga County Court of Common Pleas, Juvenile Division, in which the trial court ordered that the June 29, 2022 entry remained in full force and effect.

{¶2} This case stems from a complaint for legal custody and child support filed by appellee, Ralph Braun. The June 29, 2022 entry resolved the issue of legal custody,

but ordered that “[t]he issues of child support and medical cash support would be set for another hearing.” That matter is set for February 21, 2023.

{¶3} We must determine if there is a final order, as this court may entertain only those appeals from final judgments. *Noble v. Colwell*, 44 Ohio St.3d 92, 96 (1989). According to Section 3(B)(2), Article IV of the Ohio Constitution, a judgment of a trial court can be immediately reviewed by an appellate court only if it constitutes a “final order” in the action. *Germ v. Fuerst*, 11th Dist. Lake No. 2003-L-116, 2003-Ohio-6241, ¶ 3. If a lower court’s order is not final, then an appellate court does not have jurisdiction to review the matter, and the matter must be dismissed. *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 20 (1989). For a judgment to be final and appealable, it must satisfy the requirements of R.C. 2505.02 and if applicable, Civ.R. 54(B). See *Children’s Hosp. Med. Ctr. v. Tomaiko*, 11th Dist. Portage No. 2011-P-0103, 2011-Ohio-6838, ¶ 3.

{¶4} When a juvenile court decides custody, but defers its decision on child support to a later date, there is no final appealable order pursuant to R.C. 2505.02(B). *In the Matter of: J.B.*, 11th Dist. Geauga No. 2022-G-0030, 2022-Ohio-3488, ¶ 5.

{¶5} In this case, although the trial court resolved the issue of legal custody, it did not address child support. Therefore, the court's judgment entry in this case is not yet final, and this appeal is dismissed for lack of a final appealable order.

{¶6} Appeal dismissed.

MATT LYNCH, J.,

EUGENE A. LUCCI, J.,

concur.