

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
SENECA COUNTY**

IN RE:

CASE NO. 13-26-03

J.S.

[C.S. - APPELLANT]

**OPINION AND
JUDGMENT ENTRY**

**Appeal from Seneca County Common Pleas Court
Juvenile Division
Trial Court No. 22450018**

Appeal Dismissed

Date of Decision: October 13, 2026

APPEARANCES:

***C.S. Smith*, Appellant**

ZIMMERMAN, P.J.

{¶1} Mother-appellant, C.S. (“Mother”), appeals the January 5, 2026 judgment entry of the Seneca County Court of Common Pleas, Juvenile Division. For the reasons that follow, we dismiss.

{¶2} Mother is the biological parent of J.S., born in April 2013. Mother and J.S.’s father were not married at the time of J.S.’s birth.¹

{¶3} On August 4, 2025, paternal grandmother-appellee, A.S. (“Paternal Grandmother”), filed in the juvenile court a complaint for legal custody of J.S. and an emergency motion for temporary custody. The complaint and emergency motion set forth Paternal Grandmother’s concerns regarding Mother’s substance abuse issues, living with an abusive boyfriend, and discontinuing J.S.’s counseling for mental health. On that same day, the juvenile court’s magistrate issued an ex parte order granting Paternal Grandmother temporary custody of J.S.

{¶4} On August 7, 2025, the magistrate held a hearing to review the ex parte order issued on August 4, 2025. Following the hearing, the magistrate entered an order indicating that both Mother and Paternal Grandmother were present and that “[o]n review no information was submitted to cause reconsideration of the ex parte

¹ J.S.’s father is not a party to this appeal. The record reflects that J.S.’s father is incarcerated and did not participate in the proceedings below.

Order.” (Doc. No. 54). The magistrate found it necessary, and in the child’s best interest, to continue temporary custody with Paternal Grandmother and to grant Mother supervised parenting time. The magistrate also appointed a guardian ad litem (“GAL”) for the child.

{¶5} On December 22, 2025, the GAL filed his report recommending that Paternal Grandmother be awarded legal custody and that Mother have parenting time with the child, as the parties can agree. The GAL explained as follows:

[Mother’s] financial stability, employment history, and housing insecurity have been strained for several years. In addition, there are concerns that [Mother] may be continuing to use illegal drugs and that her multi-year relationship with [boyfriend] remains volatile. [Mother] has a pending charge for possession of drug instruments in the Bellevue Municipal Court. [Boyfriend] has a pending felony theft charge in the Bellevue Municipal Court.

Further, despite [J.S.’s] age, [Mother] does not appear to provide normal parental supervision of [J.S.’s] activities with her friends, particularly male friends, and strangers. It is, therefore, fairly clear that it is in [J.S.’s] best interest to be in the custody of [Paternal Grandmother] at this time, as she has been much of her life. The challenge is to recommend what is in [J.S.’s] best interest in regard to [Mother’s] parenting time.

(Doc. No. 70).

{¶6} On December 29, 2025, the magistrate held a hearing on Paternal Grandmother’s complaint for legal custody. On December 30, 2025, the magistrate conducted an in-camera interview of J.S.

{¶7} On January 5, 2026, the magistrate issued his decision finding “by a preponderance of the evidence that the Mother is unsuitable to care for the child, and that an award of custody to her would be detrimental to the child.” (Doc. No. 75). The magistrate recommended that legal custody of the child be awarded to Paternal Grandmother and that Mother be awarded parenting time with the child. On that same day, the juvenile court filed a judgment entry approving the magistrate’s decision. In its entirety, the juvenile court’s January 5, 2026 judgment entry states:

It is ORDERED, ADJUDGED and DECREED by the Court that the Magistrate’s Decision, a copy of which is attached hereto, shall hereby be approved and entered as the Court’s Order.

However, if within fourteen days hereof, a Party files written objections to said Decision, then the effectiveness of these Orders shall be stayed pending further hearing or Order of this Court. In accordance with Civ.R. 53, Juv.R. 40 and any other applicable rules, a party must file written, timely, and specific objections to a finding of fact or conclusion of law in order to preserve the issue for appeal.

IT IS SO ORDERED.

(Doc. No. 76).

{¶8} On January 15, 2026, Mother filed a motion to vacate and dismiss for lack of subject matter jurisdiction.

{¶9} On January 21, 2026, the juvenile court filed a judgment entry denying Mother’s motion to vacate and dismiss for lack of subject matter jurisdiction.

{¶10} On January 23, 2026, Mother filed an emergency motion for temporary custody of J.S. and a motion to modify legal custody. The motions allege that J.S. has been hospitalized for self-harm and that Paternal Grandmother has been in contact with Mother, but refuses to disclose J.S.’s location or condition.

{¶11} On January 23, 2026, the magistrate entered an order denying Mother’s emergency motion for temporary custody of J.S.

{¶12} On January 27, 2026, the juvenile court filed a judgment entry denying Mother’s emergency motion for temporary custody of J.S. and further ordered that Mother’s motion to modify legal custody be stricken “as barred by res judicata.” (Doc. No. 89).

{¶13} On February 4, 2026, Mother filed her notice of appeal. She raises six assignments of error for our review.

First Assignment of Error

The trial court erred and abused its discretion by exercising jurisdiction where subject matter jurisdiction and/or proper venue were lacking at the time of filing.

Second Assignment of Error

The trial court erred and violated Appellant’s due process rights by proceeding without proper service and notice.

Third Assignment of Error

The trial court erred and abused its discretion in awarding legal custody to a non-parent without sufficient evidence of parental unsuitability.

Fourth Assignment of Error

The trial court erred and abused its discretion by relying on incomplete or unsupported information, including the Guardian ad Litem's investigation and recommendations.

Fifth Assignment of Error

The trial court erred and abused its discretion in denying Appellant's motion for emergency custody and improperly applying res judicata.

Sixth Assignment of Error

The trial court violated Appellant's due process rights by relying on an in camera interview without preserving an adequate record for appellate review.

{¶14} In her first assignment of error, Mother argues that the juvenile court lacked jurisdiction to decide Paternal Grandmother's complaint for legal custody since neither Mother nor the child resided in Seneca County at the time of filing. In her second assignment of error, Mother argues that her right to due process was violated when the child was removed from her care without proper notice. In her third assignment of error, Mother argues that the magistrate's finding of parental unsuitability is not supported by the record. In her fourth assignment of error, Mother argues that the award of legal custody of J.S. to Paternal Grandmother is based on incomplete and inaccurate information. In her fifth assignment of error, Mother argues that the juvenile court erred by denying her emergency motion for temporary custody of J.S. In her sixth assignment of error, Mother argues that the

magistrate erred by conducting an in-camera interview of the child that was neither recorded nor transcribed.

{¶15} Before we may review the merits of Mother’s assignments of error, we first must determine whether we have jurisdiction to do so. Courts of appeals have jurisdiction to “affirm, modify, or reverse judgments or final orders of the courts of record inferior to the court of appeals within the district[.]” Ohio Const., art. IV, § 3(B)(2). “It is well-established that an order must be final before it can be reviewed by an appellate court.” *Gen. Accident Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 20 (1989). “If an order is not final, then an appellate court has no jurisdiction.” *Id.*

{¶16} We have previously stated that a judgment entry affirming and incorporating a magistrate’s decision is not a final, appealable order. *In re A.M.*, 2020-Ohio-2666, ¶ 13-14 (3d Dist.). *See* Juv.R. 40(D)(4)(e) (providing that “[a] court that adopts, rejects, or modifies a magistrate’s decision *shall also enter a judgment*”) (Emphasis added.) “[M]erely approving and adopting a magistrate’s decision is not enough, the trial judge “must still separately enter his or her own judgment setting forth the outcome of the dispute and the remedy provided.”” *Id.* at ¶ 11, quoting *State ex rel. Boddie v. Franklin Cty. 911 Admr.*, 2013-Ohio-401, ¶ 2, quoting *Harkai v. Scherba Industries, Inc.*, 136 Ohio App.3d 211, 218 (9th Dist. 2000). A separate, independent entry of judgment is necessary so ““the parties

need not resort to any other document to ascertain the extent to which their rights and obligations have been determined.””” *Reiter v. Reiter*, 1999-Ohio-769, ¶ 11 (3d Dist.), quoting *Daly v. Martin*, 1997 Ohio App. LEXIS 2026, *6 (9th Dist. May 14, 1997), quoting *Lavelle v. Cox*, 1991 Ohio App. LEXIS 1063, *7 (11th Dist. Mar. 15, 1991) (Ford, J., concurring opinion). “““Although there are no specific language requirements, the content of the judgment must be definite enough to be susceptible to further enforcement and provide sufficient information to enable the parties to understand the outcome of the case.””” *Reiter* at ¶ 17, quoting *Daly* at *8, quoting *Walker v. Walker*, 1987 Ohio App. LEXIS 8237, *5-6 (9th Dist. Aug. 5, 1987).

{¶17} Here, the juvenile court’s January 5, 2026 judgment entry does not fulfill those requirements. The record reflects that the juvenile court’s magistrate issued his decision recommending that legal custody of the child be awarded to Paternal Grandmother and that Mother be awarded parenting time. On that same day, the juvenile court issued a judgment entry “approv[ing]” the “Magistrate’s Decision” and “enter[ing] [it] as the Court’s Order.” (Doc. No. 76).

{¶18} We conclude that the juvenile court’s January 5, 2026 judgment entry does not conform with its obligation to enter a separate, independent judgment setting forth the outcome of the dispute and the remedy provided. *See In re A.M.* at ¶ 11. Specifically, the juvenile court’s January 5, 2026 judgment entry does not set forth the parties’ rights and obligations that have been determined. *See Reiter* at ¶

11. Further, the juvenile court's January 5, 2026 judgment entry is not definite enough for enforcement, nor does it provide sufficient information for the parties to understand the outcome of the case. *See id.* at ¶ 17-18.

{¶19} For these reasons, we conclude that the juvenile court's January 5, 2026 judgment entry is not a final, appealable order and we lack jurisdiction to consider this appeal. Accordingly, this appeal must be dismissed for lack of jurisdiction.

Appeal Dismissed

MILLER and WALDICK, J.J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the instant appeal is dismissed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

William R. Zimmerman, Judge

Mark C. Miller, Judge

Juergen A. Waldick, Judge

DATED:
/hls