

[Cite as *In re E.B.*, 2013-Ohio-2703.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 99288

IN RE: E.B., JR.

**[APPEAL BY CUYAHOGA COUNTY
JOB AND FAMILY SERVICES]**

**JUDGMENT:
DISMISSED**

Civil Appeal from the
Juvenile Court Division
Cuyahoga County Court of Common Pleas
Case No. DL-08128628

BEFORE: Blackmon, J., Rocco, P.J., and E.T. Gallagher, J.

RELEASED AND JOURNALIZED: June 27, 2013

ATTORNEYS FOR APPELLANT

Timothy J. McGinty
Cuyahoga County Prosecutor

Marilyn Orkin Weinberg
Joseph C. Young
Assistant County Prosecutors
C.J.F.S.
P.O. Box 93894
Cleveland, Ohio 44101

FOR APPELLEES

K.D., Pro Se
3243 Dellwood Road
Cleveland Heights, Ohio 44118

C.G., Pro Se
5977 Bearcreek Drive, #301
Bedford Heights, Ohio 44145

PATRICIA ANN BLACKMON, J.:

{¶1} Appellant Cuyahoga County Job and Family Services (“CJFS”), f.k.a., Child Support Enforcement Agency, appeals the juvenile court’s dismissal of its motion to establish child support for lack of jurisdiction and assigns the following error for our review:

The trial court erred and abused its discretion by failing to issue a child support order as required by statute and instead dismissing the matter based on a claimed lack of jurisdiction.

{¶2} Having reviewed the record and pertinent law, we dismiss the appeal for lack of jurisdiction because it does not constitute a final appealable order.

{¶3} The trial court’s order states as follows:

The matter came on for consideration this 13th day of November, 2012 before [the trial court judge] for approval of the Magistrate’s Decision filed on October 19, 2012. Pursuant to Juv.R. 40(D)(4)(e) and Civ.R. 53(D)(4)(e), upon an independent review of the matter, the court hereby affirms, approves, and adopts the Magistrate’s Decision that was filed on October 19, 2012.

The Court makes the following findings and orders:

Therefore, it is the decision of this Magistrate, subject to the approval by this Court, that the Motion to Establish Support filed in this matter on January 6, 2011, is denied. Journal Entry, November 13, 2012.

{¶4} This order does not constitute a final order. A judgment entry adopting a magistrate’s report is not a final appealable order unless the court separately enters its own judgment that specifies the relief granted. *In re: Zinni*, 8th Dist. No. 89599, 2008-Ohio-581; *In re D.N.*, 8th Dist. No. 82708, 2004-Ohio-1106; Juv.R. 40(D)(4);

Civ.R. 53(D)(4)(e). The trial court's judgment fails to do so. Accordingly, the appeal is dismissed for lack of a final appealable order.

{¶5} Appeal dismissed.

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

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

PATRICIA ANN BLACKMON, JUDGE

KENNETH A. ROCCO, P.J., and
EILEEN T. GALLAGHER, J., CONCUR

KEY WORDS:
Case No. 99288