

IN THE SUPREME COURT OF OHIO

In The Matter Of: ) CASE NOS. 2008-1036 2008-1037  
)  
H.F. & R.F. ) On Appeal from the Cuyahoga County Court of  
) Appeals, Eighth Appellate District  
)  
) Court of Appeals Case Nos. 90299, 90300

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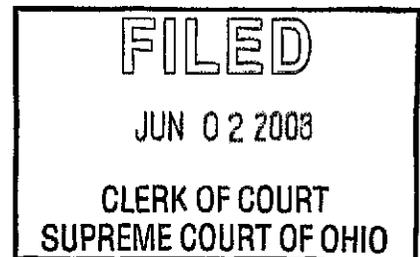
**APPELLEE'S MEMORANDUM IN OPPOSITION  
TO APPELLANT'S MOTION FOR IMMEDIATE STAY**

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GUARDIAN AD LITEM FOR THE CHILDREN







Following the decision of the Court of Appeals, the order of the juvenile court was vacated and Appellee's parental rights were restored. This matter is, therefore, likely to go back to the juvenile court for further proceedings on Appellant's motion to terminate parental rights. An immediate stay will cause irreparable harm to Appellee by weakening the parent-child even further since it will prevent visitation and communication between Appellee and his children during the pendency of these proceedings. Granting an immediate stay will enable Appellant to argue, on remand, that these children have not seen their father for such a long time that reunification would be harmful to the children. Appellant knows full well that the longer Appellee is separated from his children the harder it will be for him to get them back.

Moreover, this is a case where a strong bond existed between Appellee and his children and the likelihood of any harm to the children is virtually non-existent. In her report, filed with the trial court, the guardian ad litem recommended permanent custody, but lamented that she had been "very hopeful that father Shedric would get himself together, and at the beginning of the year it did look very promising."<sup>1</sup> Indeed, she went on to say, ". . . he is a very nice gentleman. He really loves the kids, and it's so unfortunate . . . that things have turned out this way."<sup>2</sup>

According to the testimony of Appellant's social worker, throughout the proceedings in the trial court, Appellee continued to visit the children.<sup>3</sup> From February 2006, through December, 2006, he visited regularly on a weekly basis.<sup>4</sup> There was then a brief hiatus, during which

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<sup>1</sup> T. 7/26/07, at p. 31.

<sup>2</sup> Id., at p. 32.

<sup>3</sup> Id., at pp. 17-18.

<sup>4</sup> Id., at 18, 30.

Appellee was working and unable to attend visits,<sup>5</sup> and in March, 2007, he resumed visiting.<sup>6</sup>

Accordingly, for the foregoing reasons, Appellee opposes Appellant's request for imposition of an immediate stay.

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#### **Certificate of Service**

True copies of the foregoing memorandum were sent by regular mail this 29th day of May, 2008, to the following persons:

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<sup>5</sup> Id., at p. 29.

<sup>6</sup> Id., at pp. 18-19, 27.