

In the  
Supreme Court of Ohio

RUBY K. PULA, et al.,	:	Case No. 2010-0985
	:	
Plaintiff-Appellant,	:	
	:	On Appeal from the
v.	:	Cuyahoga County Court of Appeals,
	:	Eighth Appellate District
ADRIENNE H. PULA-BRANCH,	:	
	:	Court of Appeals Case
Defendant-Appellee.	:	No. 93460
	:	

---

**MERIT BRIEF OF *AMICUS CURIAE* STATE OF OHIO  
IN SUPPORT OF PLAINTIFF-APPELLANT  
CUYAHOGA SUPPORT ENFORCEMENT AGENCY**

---

ADRIENNE H. PULA-BRANCH  
3010 West 115th Street, Apt. 1  
Cleveland, Ohio 44111

Defendant-Appellee in *pro se*

WILLIAM D. MASON (0037540)  
Cuyahoga County Prosecutor

KESTRA SMITH\* (0044166)  
MARK R. MARSHALL (0056126)  
JOSEPH YOUNG (0055339)

Assistant Prosecuting Attorneys

*\*Counsel of Record*

P.O. Box 93923  
Cleveland, Ohio 44101-5923

216-443-8868  
216-443-5958 fax

p4mrm@cuyahogacounty.us

Counsel for Plaintiff-Appellant,  
Cuyahoga Support Enforcement Agency

RICHARD CORDRAY (0038034)  
Attorney General of Ohio

ALEXANDRA T. SCHIMMER\* (0075732)  
Chief Deputy Solicitor General

*\*Counsel of Record*

EMILY S. SCHLESINGER (0086176)  
Deputy Solicitor

ALANA R. SHOCKEY (0085234)  
Assistant Attorney General

30 East Broad Street, 17th Floor  
Columbus, Ohio 43215

614-466-8980

614-466-5087 fax

alexandra.schimmer@ohioattorneygeneral.gov

Counsel for *Amicus Curiae*  
State of Ohio

**FILED**  
DEC 15 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

## TABLE OF CONTENTS

	Page	
TABLE OF CONTENTS.....	i	
TABLE OF AUTHORITIES .....	ii	
INTRODUCTION .....	1	
STATEMENT OF AMICUS INTEREST .....	2	
STATEMENT OF THE CASE AND FACTS .....	3	
A.    UIFSA was intended to streamline the enforcement of State child support orders by creating a “one-order system.”.....	3	
B.    The Domestic Relations Court established a child support order against Defendant- Appellee Adrienne Haunani Pula-Branch.....	5	
C.    The Eighth District ruled that the Domestic Relations Court did not have subject matter jurisdiction over the case and held the support order void <i>ab initio</i> .....	6	
ARGUMENT .....	7	
<b><u>Amicus Curiae Attorney General’s Proposition of Law:</u></b>		
<i>The domestic relations division of the Cuyahoga County Court of Common Pleas has subject matter jurisdiction over an interstate action for support enforcement brought under UIFSA where the parties are not married.</i> .....		7
A.    Absent an explicit grant of exclusive jurisdiction in the juvenile court, a UIFSA action may proceed in either the juvenile division or domestic relations division of an Ohio common pleas court.....	8	
B.    UIFSA is a remedial statute, which should be construed liberally to effectuate its intended purpose.....	9	
CONCLUSION.....	11	
CERTIFICATE OF SERVICE .....	unnumbered	

## TABLE OF AUTHORITIES

Cases	Page(s)
<i>Beam v. Beam</i> , (2d Dist.), 2002-Ohio-2910.....	9
<i>Dep't of Human Servs. v. Leifester</i> (Me. 1998), 721 A.2d 189.....	9
<i>Dunn v. Dunn</i> (12th Dist. 2000), 137 Ohio App. 3d 117.....	9
<i>Pendergraft v. Watts</i> , No. 2010-1340 .....	7
<i>State v. Wilson</i> (1997), 77 Ohio St. 3d 334 .....	8
<i>Wellston Iron Furnace Co. v. Rinehart</i> (1923), 108 Ohio St. 117 .....	9
<b>Statutes, Rules and Constitutional Provisions</b>	
23 Am. Jur 2d Desertion and Nonsupport § 73 (2002).....	9
28 U.S.C. § 1738B .....	5
O.A.C. 5101:12-1-01(A) .....	2
O.A.C. 5101:12-1-01(B) .....	2
Ohio Const. § 1, art. iv.....	7
R.C. 1.11 .....	9
R.C. 2151.23 .....	6, 9
R.C. 2301.03 .....	7
R.C. 3105.011 .....	7
R.C. 3109.05 .....	9
R.C. 3111.06 .....	9
R.C. 3115.01, et seq.....	1, 4, 8
R.C. 3115.03 .....	2

R.C. 3115.08 .....	8
R.C. 3115.18 .....	3
R.C. 3115.19 .....	2

**Other Authorities**

Cuyahoga Support Enforcement Agency, 2008 Annual Report, available at <a href="http://csea.cuyahogacounty.us/pdf_CSEA/en-US/CSEA_2008%20AnnualRprt.pdf">http://csea.cuyahogacounty.us/pdf_CSEA/en-US/CSEA_2008%20AnnualRprt.pdf</a> (last visited Dec. 1, 2010) .....	10
Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110-21) (Jan. 22, 2010), available at <a href="http://foreign.senate.gov/imo/media/doc/Ex110-2.pdf">http://foreign.senate.gov/imo/media/doc/Ex110-2.pdf</a> (last visited Nov. 24, 2010) .....	4
Janet E. Atkinson & Laura W. Morgan, <i>The Uniform Interstate Family Support Act: 1999 Comprehensive Update</i> , 11 Divorce Litig. 173 (Sept. 1999) .....	5
Michael Lansing, <i>General Law Division: Case Note: Family Law—Does the Court Really Look Out for the Best Interest of the Child? Jurisdiction and the Uniform Interstate Family Support Act</i> , 2 Wyo. L. Rev. 589 (2002).....	3
Patricia W. Hatamyar, <i>ERISA Article: Interstate Establishment, Enforcement, and Modification of Child Support Orders</i> , 25 Okla. City U.L. Rev. 511 (Spring/Summer 2000) .....	4, 5
Revised Uniform Reciprocal Enforcement of Support Act (“RURESA”) .....	3, 4
Uniform Law Commission, Uniform Interstate Family Support Act (1992), available at <a href="http://www.nccusl.org/nccusl/uniformact_summaries/uniformacts-s-uifsa1992.asp">http://www.nccusl.org/nccusl/uniformact_summaries/uniformacts-s-uifsa1992.asp</a> (last visited, Nov. 24, 2010).....	3
Uniform Law Commission, Uniform Interstate Family Support Act §§ 201, 202, 204, 209- 10, cmts. (2008), available at <a href="http://www.law.upenn.edu/blj/archives/ulc/uifsa/2008final.pdf">http://www.law.upenn.edu/blj/archives/ulc/uifsa/2008final.pdf</a> (last visited Nov. 30, 2010).....	4
Uniform Reciprocal Enforcement of Support Act (“URESA”).....	3, 4

## INTRODUCTION

This case centers on a simple jurisdictional question that affects certain interstate petitions for child support brought under the Uniform Interstate Family Support Act (“UIFSA”), R.C. Chapter 3115. The question is whether the domestic relations division of the Cuyahoga County common pleas court (“Domestic Relations Court”) has subject matter jurisdiction over interstate support orders between unmarried parties where the orders are unrelated to a divorce, dissolution of marriage, legal separation, or annulment. The Eighth District Court of Appeals answered the question in the negative and determined that, because the lower court lacked subject matter jurisdiction, its order establishing a child support obligation under R.C. Chapter 3115 was void *ab initio*. See *Pula v. Pula-Branch* (8th Dist. 2010) (“App. Op.”), 2010-Ohio-912, ¶ 14. The Eighth District was wrong for several reasons.

First, the plain language of the relevant statutes supports the Domestic Relations Court’s jurisdiction over such orders. The Eighth District misinterpreted R.C. Chapter 3115, reading the applicable provisions in isolation rather than in the context of UIFSA and the common pleas court jurisdictional statutes. Read together, the provisions of R.C. Chapter 3115 broadly define the “tribunals” that can oversee “domestic relations matters” as “*any* trial court of record.” R.C. 3115.01(X) (emphasis added). This expansive definition plainly includes the Domestic Relations Court. Further, the domestic relations division jurisdictional statutes do not exclude UIFSA actions, indicating that both the juvenile divisions and the domestic relations divisions of the common pleas courts have jurisdiction over UIFSA petitions. The Court should not hesitate to recognize the validity of both venues, since there is nothing exceptional about such orders that makes one court a more preferable forum than the other (which is likely why the statutory language is so expansive in the first place).

Second, UIFSA should be read to effectuate the Act's overall purpose—to streamline the enforcement of interstate support orders. That reading further confirms the jurisdiction of the Domestic Relations Court. The fact that a child may be born to unmarried parents does not change the General Assembly's intent to ensure that his child support obligations are enforced. The Eighth District's jurisdiction-stripping rule undermines those objectives.

For these reasons and those that follow, the Eighth District's decision should be reversed.

#### **STATEMENT OF AMICUS INTEREST**

The State of Ohio has an interest in ensuring the proper enforcement of federal and State laws requiring the payment of child support obligations. The Ohio Department of Job and Family Services ("ODJFS")'s Office of Child Support ("OCS") has an interest in child support enforcement, because it establishes the policies and guidelines for the State's child support program based on federal and State requirements. O.A.C. 5101:12-1-01(A). OCS also processes all collections and disbursements of support payments and provides guidance and leadership to the county child support enforcement agencies, which administer the program's services directly to the public, including Plaintiff-Appellant Cuyahoga Support Enforcement Agency ("CSEA"). O.A.C. 5101:12-1-01(B).

Adopted by Ohio in 1998 through an amendment to R.C. Chapter 3115, UIFSA addresses the non-payment of interstate child support obligations and limits the jurisdiction of state courts to establish and modify existing child support orders. Whenever more than one State is involved in the establishment, enforcement, or modification of a child or spousal support order, the Act is applied to determine which State court has jurisdiction, and to establish the applicable State law. R.C. 3115.03; see also R.C. 3115.19 (authorizing the Attorney General to order a support enforcement agency to perform its duties under UIFSA). Ohio's support enforcement agencies

are specifically authorized to provide services to a plaintiff in a UIFSA proceeding. R.C. 3115.18.

The Eighth District's determination that the Domestic Relations Court lacks subject matter jurisdiction to resolve a UIFSA enforcement dispute involving unmarried parties improperly hinders Ohio's efforts to ensure that children and their families obtain the financial support to which they are legally entitled. Further, the decision threatens to disrupt the orderly operation of Ohio's child support enforcement system going forward.

### STATEMENT OF THE CASE AND FACTS

**A. UIFSA was intended to streamline the enforcement of State child support orders by creating a "one-order system."**

The impetus for UIFSA is germane to this action. The United States has faced problems associated with non-custodial parents' failure to provide financial support for their dependents since the early 1900s. To resolve these issues, the National Conference of Commissioners on Uniform State Laws ("NCCUSL"), in 1940, drafted a uniform act specifically addressing the issue of interstate enforcement—the Uniform Reciprocal Enforcement of Support Act ("URESAs"). Uniform Law Commission, Summary: Uniform Interstate Family Support Act (1992), available at [http://www.nccusl.org/nccusl/uniformact\\_summaries/uniformacts-s-uifsa1992.asp](http://www.nccusl.org/nccusl/uniformact_summaries/uniformacts-s-uifsa1992.asp) (last visited, Nov. 24, 2010); see also Michael Lansing, *General Law Division: Case Note: Family Law—Does the Court Really Look Out for the Best Interest of the Child? Jurisdiction and the Uniform Interstate Family Support Act*, 2 Wyo. L. Rev. 589, 592 (2002). In 1958, NCCUSL amended URESAs, which became known as the Revised Uniform Reciprocal Enforcement of Support Act ("RURESAs"). Lansing, 2 Wyo. L. Rev. at 593.

Although all States adopted some form of URESAs or RURESAs over the years, the Acts' "two major shortcomings were that [they] created multiple child support orders with support

obligations set at differing amounts in different states, and . . . required the involvement of courts. . . exclud[ing] many efficient administrative procedures . . . being developed by state legislatures.” *Id.* Congress then established the United States Commission on Interstate Child Support to study the problems with URESA and RURESAs, and to work alongside NCCUSL to draft a replacement model act—UIFSA—which was completed in 1992. *Id.*

In 1996, following amendments to UIFSA, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (“PRWORA”), requiring all States to adopt some form of UIFSA within two years to remain eligible for federal funding for child support enforcement. *Id.* Ohio, which had previously adopted URESA, complied with the federal mandate to enact UIFSA by amending R.C. Chapter 3115 on January 1, 1998. See R.C. 3115.01, et seq. UIFSA was further amended in 2001, and in 2008, UIFSA joined the Hague Convention, which ensures a uniform policy among countries and offers a tool to organize child support issues globally. Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110-21) (Jan. 22, 2010), available at <http://foreign.senate.gov/imo/media/doc/Ex110-2.pdf> (last visited Nov. 24, 2010).

Unlike URESA or RURESAs, UIFSA implements a “one-order system.” Uniform Law Commission, Uniform Interstate Family Support Act §§ 201, 202, 204, 209-10, cmts. (2008), available at <http://www.law.upenn.edu/bll/archives/ulc/uifsa/2008final.pdf> (last visited Nov. 30, 2010). Thus, at any given time, only one State’s child support order governs an obligor’s support obligation to his child, see *id.*, and only that State has “continuing exclusive jurisdiction” to modify the order, *id.* §§ 205-06; see also Patricia W. Hatamyar, *ERISA Article: Interstate Establishment, Enforcement, and Modification of Child Support Orders*, 25 Okla. City U.L. Rev. 511, 515-16 (Spring/Summer 2000). “This necessarily requires all other states to recognize that

order and to refrain from modifying it unless the first state has lost jurisdiction.” Hatamyar, 25 Okla. City U.L. Rev. at 515-16; see also Janet E. Atkinson & Laura W. Morgan, *The Uniform Interstate Family Support Act: 1999 Comprehensive Update*, 11 Divorce Litig. 173, 192 (Sept. 1999) (“Under UIFSA[,] nonmodifiable terms are set for the life of the order. Accordingly, a court with jurisdiction to modify an existing child support order cannot change the fixed terms of the controlling order, such as the duration of the child support obligation. The policy behind this provision is to prevent parties from seeking modification in a state that terminates child support at an earlier date.”).

UIFSA also has a federal counterpart—the Full Faith and Credit for Child Support Orders Act (“FFCCSOA”), 28 U.S.C. § 1738B. Like UIFSA, the FFCCSOA initiates a one-order system by requiring States to give full faith and credit to other States’ child support orders. 28 U.S.C. § 1738B(a). Designed to complement each other, UIFSA and the FFCCSOA are intended to prevent States from “spawn[ing] multiple child support orders” and “allow[ing] ‘excessive relitigation’ of child support cases.” Hatamyar, 25 Okla. City U.L. Rev. at 520.

**B. The Domestic Relations Court established a child support order against Defendant-Appellee Adrienne Haunani Pula-Branch.**

CSEA filed a UIFSA Petition for Support in the Domestic Relations Court on behalf of Plaintiff-Appellant Ruby K. Pula, a resident of Hawaii and the custodian and maternal grandmother of K.G.P., a minor child born out of wedlock. See App. Op. ¶ 1. K.G.P. is a resident of Hawaii, where she lives with Pula. *Id.* The petition sought to establish an order for child support, medical coverage, and support for a prior period against K.G.P.’s mother, Defendant-Appellee Adrienne Haunani Pula-Branch, a resident of Cleveland, Ohio. *Id.*

Ohio child support guidelines use an “income shares” model, which assumes that parents share responsibility for the support of a child in proportion to their income, regardless of their

marital status. R.C. 3119.021. The Domestic Relations Court issued a child support order, but it did not include the income information of K.G.P.'s father in its formula because it determined that K.G.P.'s birth certificate alone was insufficient evidence of paternity. App. Op. ¶ 3. The court's failure to include K.G.P.'s father's income information in its calculation resulted in a significantly lower support obligation for Pula-Branch. The court overruled CSEA's objections to its order, and CSEA timely appealed. *Id.* ¶ 4.

**C. The Eighth District ruled that the Domestic Relations Court did not have subject matter jurisdiction over the case and held the support order void *ab initio*.**

The Eighth District sua sponte determined that because K.G.P.'s parents had never married, the Domestic Relations Court lacked subject matter jurisdiction over the petition. It reasoned that the Domestic Relations Court does not have jurisdiction over a UIFSA matter that does not involve "a divorce, dissolution of marriage, legal separation, or annulment." *Id.* ¶ 14. Based on that conclusion, the court of appeals ordered the Domestic Relations Court to vacate its order establishing Pula-Branch's support obligation. *Id.* The court explained, "[a]lthough in some counties, a domestic relations court may be an appropriate 'responding tribunal' under the [UIFSA] and authorized to hear cases such as this one, where the parents never married, the domestic relations court of *Cuyahoga County* is not authorized to hear and decide cases that do not involve issues relating to a divorce, dissolution, legal separation, or annulment of a marriage." *Id.* ¶ 8. Further, the court noted that because it had determined that paternity was not established, the case "would be properly brought in juvenile court," *id.* ¶ 14 n. 4, which has original jurisdiction to determine "the paternity of any child alleged to have been born out of wedlock," R.C. 2151.23(B)(3).

CSEA filed a motion to reconsider, which the Eighth District denied. The Eighth District also denied as moot CSEA's Motion to Stay and Memorandum in Support of Jurisdiction, which CSEA filed concurrently with this timely appeal.<sup>1</sup>

## ARGUMENT

### **Amicus Curiae Attorney General's Proposition of Law:**

*The domestic relations division of the Cuyahoga County Court of Common Pleas has subject matter jurisdiction over an interstate action for support enforcement brought under UIFSA where the parties are not married.*

The Ohio Constitution vests the judicial power of the State in “courts of common pleas and divisions thereof . . . as established by law.” Ohio Const. § 1, art. iv. R.C. 3105.011 sets forth the jurisdiction of the State's common pleas courts, including the domestic relations divisions, and gives them “full equitable powers and jurisdiction appropriate to the determination of all *domestic relations matters*.” (emphasis added).

“Domestic relations matters” is undefined, but R.C. 2301.03 establishes the jurisdiction of each of the State's domestic relations courts in separate subsections. R.C. 2301.03(L)(1) applies specifically to the judges of Cuyahoga County's domestic relations division.<sup>2</sup> The statute provides that “[t]hey shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.” R.C. 2301.03(L)(1). The Eighth District determined that because UIFSA child support enforcement actions are not expressly included in the statute's text, they are not “domestic relations matters” over which the court may exercise

---

<sup>1</sup> On October 1, 2010, this Court denied CSEA's motion to consolidate this matter with *Pendergraft v. Watts*, No. 2010-1340. This Court later stayed briefing in *Pendergraft* pending its decision in this case.

<sup>2</sup> In some counties, a few judges handle both the domestic relations cases and the juvenile cases. In others, however—as is the case with Cuyahoga County—the domestic relations division is separate from the juvenile division.

jurisdiction. App. Op. ¶¶ 12, 14. Thus, it held that CSEA should have proceeded in the juvenile division of the Cuyahoga County Court of Common Pleas (“Juvenile Court”).

The Eighth District misinterpreted the relevant laws by failing to read UIFSA as a whole. Taken together, the applicable statutes demonstrate that the General Assembly intended that both the Domestic Relations Court and the Juvenile Court have original jurisdiction over UIFSA petitions involving unmarried parties. Accordingly, CSEA could have proceeded in *either* the Domestic Relations Court or the Juvenile Court, and the Eighth District’s decision voiding the lower court’s order should be reversed and remanded to reconsider the merits of CSEA’s appeal of the support order.

**A. Absent an explicit grant of exclusive jurisdiction in the juvenile court, a UIFSA action may proceed in either the juvenile division or domestic relations division of an Ohio common pleas court.**

When construing statutes, courts should read them as a whole. *State v. Wilson* (1997), 77 Ohio St. 3d 334, 336. When read in concert, the relevant laws demonstrate that the General Assembly intended the Domestic Relations Court to have subject matter jurisdiction over UIFSA actions involving unmarried parties.

R.C. 3115.08 sets forth jurisdiction for a UIFSA case referred to Ohio, allowing “a tribunal” having “continuing, exclusive jurisdiction over a support order” to act as a “responding tribunal to enforce or modify the order.” R.C. 3115.08(B). The “responding tribunal” is the “authorized tribunal” in a responding State, *id.* at 3115.01(R), and “tribunal” includes “*any* trial court of record” in the State, *id.* at 3115.01(X) (emphasis added). Thus, the plain language of R.C. Chapter 3115 demonstrates that CSEA may file a UIFSA enforcement action in *any* trial court, including both the Domestic Relations Court and the Juvenile Court.

This point is bolstered by R.C. Chapter 2151, which governs the jurisdiction of the common pleas courts’ juvenile division. There is no question that the juvenile courts have

jurisdiction over UIFSA actions. See R.C. 2151.23(B)(3). But R.C. 2151.23(A) sets forth the juvenile division's "exclusive original" jurisdiction, and UIFSA actions are not included on this expansive list, see R.C. 2151.23(A)(11), thus confirming that the General Assembly did not intend the juvenile division to be the exclusive forum for UIFSA. Rather, such actions may also be pursued in another forum. And logically, that forum is the domestic relations division—the only other court that deals regularly with issues of paternity and support. See, e.g., R.C. 3109.05; R.C. 3111.06.

**B. UIFSA is a remedial statute, which should be construed liberally to effectuate its intended purpose.**

Although the statutory language alone demonstrates that jurisdiction is not exclusive to the juvenile court, and is therefore proper in the Domestic Relations Court, the Eighth District's decision also conflicts with UIFSA's underlying purpose—to streamline interstate child support enforcement in the United States by restricting States' power to alter child support orders previously issued by other jurisdictions. See 23 Am. Jur 2d Desertion and Nonsupport § 73 (2002). By limiting jurisdiction over unmarried parties' UIFSA petitions to the Juvenile Court, the Eighth District's decision will override this legislative intent by injecting confusion and upheaval into the system.

Courts from Ohio and other jurisdictions have recognized that UIFSA is "remedial legislation designed to correct inconsistencies between support orders issued in different states." *Beam v. Beam* (2d Dist.), 2002-Ohio-2910, ¶ 10 (citing *Dunn v. Dunn* (12th Dist. 2000), 137 Ohio App. 3d 117, 124); see also *Dep't of Human Servs. v. Leifester* (Me. 1998), 721 A.2d 189, 191 (noting that UIFSA is a remedial statute that must be construed liberally). Courts must construe remedial statutes liberally. R.C. 1.11; *Wellston Iron Furnace Co. v. Rinehart* (1923), 108 Ohio St. 117, syl. ¶ 1 ("All statutes relating to procedure are remedial in their nature and

should be liberally construed and applied to effect their respective purposes.”). Thus, this Court should interpret UIFSA to alleviate obstacles to the recognition and enforcement of child support obligations. A jurisdiction-limiting rule in the face of statutory language that recognizes the authority of “any trial court of record” frustrates those objectives.

CSEA posits that an adverse ruling would threaten the validity of numerous Cuyahoga County child support orders previously decided by the Domestic Relations Court. The agency asserts that unmarried obligors seeking to shirk their responsibilities would rush to void pre-existing orders. This would not only pull the rug out from under children and families who need financial support to make ends meet, but it would also lead to a flood of corrective litigation in the already overburdened Juvenile Court. Both of these problems will upset the orderly administration of Cuyahoga County’s child support system, which accounts for about twelve percent of all Ohio child support—the largest amount of all 88 Ohio counties. Cuyahoga Support Enforcement Agency, 2008 Annual Report at 18, available at [http://csea.cuyahogacounty.us/pdf\\_CSEA/en-US/CSEA\\_2008%20AnnualRprt.pdf](http://csea.cuyahogacounty.us/pdf_CSEA/en-US/CSEA_2008%20AnnualRprt.pdf) (last visited Dec. 1, 2010) (noting that in 2008, CSEA collected approximately \$248,458,991 in child support payments).

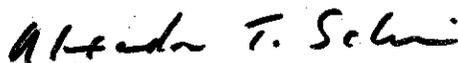
By holding that the Domestic Relations Court has jurisdiction to decide such disputes—a ruling easily supported by the statutory language and with no adverse side-effects—this Court can avoid any potential disturbance to CSEA’s efforts and ensure that all eligible Cuyahoga County children continue to receive the timely financial support on which they rely, regardless of their parents’ marital status.

## CONCLUSION

For the foregoing reasons, the State of Ohio respectfully asks this Court to reverse the Eighth District's decision and remand for further proceedings consistent with this opinion.

Respectfully submitted,

RICHARD CORDRAY (0038034)  
Attorney General of Ohio



ALEXANDRA T. SCHIMMER\* (0075732)  
Chief Deputy Solicitor General

*\*Counsel of Record*

EMILY S. SCHLESINGER (0086176)  
Deputy Solicitor

ALANA R. SHOCKEY (0085234)  
Assistant Attorney General

30 East Broad Street, 17th Floor  
Columbus, Ohio 43215

614-466-8980

614-466-5087 fax

[alexandra.schimmer@ohioattorneygeneral.gov](mailto:alexandra.schimmer@ohioattorneygeneral.gov)

Counsel for *Amicus Curiae*,  
State of Ohio

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Merit Brief of *Amicus Curiae* State of Ohio in Support of Plaintiff-Appellant Cuyahoga Support Enforcement Agency was served by U.S. mail this 15th day of December, 2010, upon the following counsel:

Adrienne H. Pula-Branch  
3010 West 115th Street, Apt. 1  
Cleveland, Ohio 44111

Defendant-Appellee in *pro se*

William D. Mason  
Cuyahoga County Prosecutor  
Kestra Smith  
Mark R. Marshall  
Joseph Young  
P.O. Box 93923  
Cleveland, Ohio 44101-5923

Counsel for Plaintiff-Appellant,  
Cuyahoga Support Enforcement Agency



---

Alexandra T. Schimmer  
Chief Deputy Solicitor General