

APPENDIX 3

S/O ex rel., N.G. v. Cuy. Cty. Ct./Common Pleas, Juv. Div., et al.
8th Dist. Ct. App. Case No. 101425
(Journal Entry – January 14, 2015)

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Kelley A. Sweeney, Clerk of Courts

S/O EX REL., N.G.

Relator

COA NO.
101425

ORIGINAL ACTION

-vs-

CUY.CTY.CT./COMM.PLEAS,JUV.DIV.ETAL.

Respondent

MOTION NO. 479610

Date 01/14/15

Journal Entry

Combined motion to intervene as respondent S.F. and emergency motion for relief from order is denied. On September 9, 2014, the Juvenile and Domestic Relations District Court of Arlington County, Virginia issued a final order enforcing its June 5, 2012 custody order, which was the initial custody determination. S.F. has appealed that ruling to the Circuit Court of Arlington County, Virginia. The evidence presented to this court reflects a dispute among the parties as to whether the June 5, 2012 order is in force or was vacated by the Circuit Court's order dated May 23, 2014. This dispute is best resolved by the Circuit Court that issued the May 23, 2014 order. The Circuit Court of Arlington County, Virginia has stayed the appeal but ordered the children to remain in Virginia in physical custody of relator. The custody order was not stayed or modified or expressly vacated. Therefore, the June 5, 2012 custody order and the September 9, 2014 order enforcing it, are entitled to full faith and credit unless vacated, stayed, or modified by a court having jurisdiction to do so. R.C. 3127.43; R.C. 3127.20; State ex rel. Morenz v. Kerr, 104 Ohio St.3d 148, 2004-Ohio-6208, 818 N.E.2d 1162. In the event that the Virginia appellate courts vacate, modify or stay the custody orders, that could trigger jurisdiction back in the Ohio juvenile court cases again. Until such time, the Ohio juvenile court does not have jurisdiction to proceed.

RECEIVED FOR FILING

JAN 14 2015

CUYAHOGA COUNTY CLERK
OF THE COURT OF APPEALS
By Deputy

Presiding Judge MARY J. BOYLE, Dissents _____

Judge SEAN C. GALLAGHER, Concur _____


KENNETH A. ROCCO
Judge

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