

memo

To: Judge Quinn, Judge Dezso, Magistrates
From: Julie Toth
Date: 3/9/2016
Re: February 2016 Case Law Update

Lawrence v. McCraw, *2016-Ohio-338*

The Court of Appeals affirmed the trial court's decision granting a CPO, after appellant forfeited all arguments, except for plain error, on appeal. Appellant did not argue plain error, so his argument was overruled.

Hartman v. Hartman, *2016-Ohio-369*

The Court of Appeals reversed and remanded for the trial court to clarify its judgment entry to determine whether an escrow refund check constituted equity.

Fraelich v. Parris, *2016-Ohio-445*

The Court of Appeals reversed in part and affirmed in part an order establishing child support.

The Court found that the trial court abused its discretion in failing to award past support without demonstrating circumstances that justify relieving Father of his duty to support the child from birth. Under R.C. 3111.13(C), a judgment may include any other provision directed against the appropriate party to the proceeding, concerning the duty of support, and is broad enough to allow a child support award to be made retroactive to the date of birth of child.

The Court found that the trial court's downward deviation from the Ohio child support guidelines based on Father's custodial time with the child was proper and within the trial court's discretion.

Wallace v. Wallace, *2016-Ohio-630*

Appeal dismissed. The divorce decree was not final and appealable because it did not divide all of the parties' property.