

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

RONALD SCHWARTZ,	:	APPEAL NO. C-090391
	:	TRIAL NO. DR-0702165
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DENISE K. CORROU, ¹	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.²

Plaintiff-appellant Ronald Schwartz married defendant-appellee Denise Corrou in 1995. They have one child, Elizabeth. Corrou has an accounting degree and a master's degree in Health Administration. Even though she had worked as an accountant early in her career, she never worked as an accountant while the parties were married.

For approximately six years after the couple wed, Corrou worked as the administrator of a nursing home. In April 2001, Corrou quit work to stay at home with Elizabeth, who was then six months old. The magistrate concluded that this was the decision of both Schwartz and Corrou. The magistrate also concluded that, as a result of the parties' decision, Corrou's earning ability was decreased.

According to the record and the decision of the magistrate, Corrou has not been able to find an administrative job with a nursing home, nor has she been able to obtain employment commensurate with her education. She did work part-time for

¹ Corrou is incorrectly referred to as Dennis K. Carrou in some documents.

² See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

the YMCA and for a testing-services company. Other than testimony about the two part-time jobs, the only testimony about Corrou's income was that she had earned \$60,000 in 2000. There was no other testimony about her potential income, and the trial court imputed a full-time, minimum-wage income to Corrou.

The trial court entered a decree of divorce on May 7, 2009. Schwartz was ordered to pay child support, pursuant to the completed child-support worksheet, in the amount of \$553 per month plus poundage.

In his first assignment of error, Schwartz argues that "it [was] an abuse of the trial court's discretion to fail to impute a reasonable income to appellee given her work history and educational background, as well as her blatant refusal to abide by the court's order to obtain full-time employment."

The trial court never found Corrou in contempt for refusing to abide by its order to obtain employment, and Schwartz never filed a motion seeking to hold her in contempt. And Schwartz put no evidence in the record as to what the "reasonable income" should have been. The only evidence in the record is what Corrou had earned in 2000, and what she had earned from the two part-time jobs. There was no evidence as to what she could have been earning, given—as Schwartz argues—her "work history and educational background." Based upon this record, it was not an abuse of discretion to impute a full-time, minimum-wage income to Corrou. Schwartz's first assignment of error is overruled.

In his second assignment of error, Schwartz argues that the trial court erred when it failed to deviate from the child-support guidelines. But he did not object to the magistrate's decision on that basis. The only objection he raised relating to the child-support calculation was that "the magistrate erred in failing to calculate child support on a split custody worksheet as each parent has the child fifty percent of the time pursuant to the shared parenting plan."

But a “split custody worksheet” is used only when there are “split parental rights and responsibilities,”³ which refers to “a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.”⁴ Use of the split-parenting worksheet would not have been appropriate in this case because there was only one child.

Since Schwartz did not object to the failure of the magistrate to deviate from the child-support guidelines, he is precluded from raising this issue on appeal,⁵ and we overrule the second assignment of error.

The judgment of the trial court is affirmed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DINKELACKER and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on March 10, 2010

per order of the Court _____
Presiding Judge

³ R.C. 3119.023.

⁴ R.C. 3119.01(C)(14).

⁵ See Civ.R. 53(E)(3)(b); *Abolfatzadeh v. Abolfatzadeh*, 1st Dist. Nos. C-050039 and C-050056, 2006-Ohio-573, at ¶157.