

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

IN RE: E.W. AND M.W. : APPEAL NO. C-110465
 : TRIAL NO. F08-1846Z
 :
 : *JUDGMENT ENTRY.*

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Petitioner-appellant father appeals a decision of the Hamilton County Juvenile Court granting respondent-appellee mother's motion to relocate with the parties' two children to Texas, terminating a shared-parenting plan, and designating mother as the residential parent. We find no merit in father's two assignments of error, and we affirm the trial court's judgment.

In his first assignment of error, father contends that the trial court erred in failing to order the parties to participate in mediation as required by the parties' shared-parenting plan before proceeding on their motions. The plan stated that "[m]other and [f]ather shall, in the event of any major disagreement between them relating to [the children] before resorting to any court action, seek counseling, mediation, and/or * * * non-binding arbitration with qualified individuals knowledgeable about the subject matter on which they disagree, in an effort to resolve all disputes that they themselves are unable to resolve."

The trial court has a responsibility to interpret and enforce the provisions in a shared-parenting plan adopted by the court in its decree. *Howard v. Howard*, 12th Dist. No. CA99-09-158, 2000 Ohio App. LEXIS 5394, *4 (Nov. 20, 2000); *Ellsworth v.*

Ellsworth, 1st Dist. No. C-970916, 1998 Ohio App. LEXIS 6225, *6 (Dec. 24, 1998). The record shows that the court required the parents to attend settlement conferences in hopes of resolving their differences, to no avail.

Further, neither party raised the issue or objected in any way in the trial court. Father objected to the various orders and decisions of the magistrate, but never specifically objected to the failure to order mediation. *See Coors v. MacEachen*, 1st Dist. No. C-100013, 2010-Ohio-4470; *Cincinnati v. Davis*, 1st Dist. Nos. C-070838 and C-070845, 2008-Ohio-5281, ¶ 9-10; *Carr v. Carr*, 9th Dist. No. 2880-M, 1999 Ohio App. LEXIS 3681, *6 (Aug. 11, 1999). Consequently, he waived the issue, and cannot now raise it for the first time on appeal. *See Niskanen v. Giant Eagle, Inc.*, 122 Ohio St.3d 486, 2009-Ohio-3626, 912 N.E.2d 595, ¶ 34. We overrule father's first assignment of error.

In his second assignment of error, father contends that the trial court erred when it allowed mother to remove the children from the jurisdiction before it permitted father to put on any evidence, and without requiring information concerning the children's medical arrangements in a new state. He argues it was an abuse of discretion for the court to make an interim order that favored mother before both sides were heard.

The record shows that after a hearing at which only mother testified, the magistrate issued an interim order allowing mother to take the children to Texas so that she could enroll them in school before the start of the school year. But the order specifically stated that "[f]ather to testify at next hearing. This is only an interim order and no final order to take place until all testimony received." Thus, the record is clear that this order was temporary and interlocutory. *See State ex rel. Thompson v. Spon*, 83 Ohio St.3d 551, 554-555, 700 N.E.2d 1281 (1998); *In re Houston*, 1st Dist. No. C-920445, 1993 Ohio App. LEXIS 4945, *5 (Aug. 4, 1993); *Schoffner v.*

Schoffner, 19 Ohio App.3d 208, 208-209, 483 N.E.2d 1190 (3d Dist.1984). Father later had the opportunity to present his evidence, and he was not prejudiced by the interim order.

Father has raised no assignment of error challenging the court's final judgment terminating the shared-parenting plan and naming mother as the residential parent. To be considered on appeal, errors by a trial court must be argued and supported by legal authority and citation to the record. Errors not argued in a brief will be deemed to have been abandoned. *Thomas v. Cohr, Inc.*, 197 Ohio App.3d 145, 2011-Ohio-5916, 966 N.E.2d 915, ¶ 4 (1st Dist.). Consequently, we overrule father's second assignment of error and affirm the trial court's judgment.

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.

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

To the clerk:

Enter upon the journal of the court on October 26, 2012

per order of the court _____.
Presiding Judge