

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

MICHELLE W. POTTER,	:	APPEAL NO. C-130085
	:	TRIAL NO. P98-1548z
and	:	
DARYL ANDERSON SMITH, JR., A	:	<i>JUDGMENT ENTRY.</i>
MINOR CHILD BY AND THROUGH	:	
HIS MOTHER AND NEXT FRIEND,	:	
Plaintiffs,	:	
and	:	
THE CHILD SUPPORT	:	
ENFORCEMENT AGENCY, A	:	
DIVISION OF HAMILTON COUNTY	:	
DEPARTMENT OF HUMAN	:	
SERVICES,	:	
Plaintiff-Appellant,	:	
vs.	:	
DWAYNE SPARKS,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar. 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.

Because appellant, the Hamilton County Child Support Enforcement Agency (“CSEA”), has sought to appeal from an order that is not final, we dismiss this appeal.

Defendant-appellee Dwayne Sparks moved to reduce the amount of monthly child-support arrearage he was ordered to pay for plaintiff Daryl Anderson Smith, Jr., a minor child. A juvenile court magistrate issued a decision and denied the motion. Dwayne Sparks filed objections to the magistrate’s decision. On January 8, 2013, the

juvenile court rejected the magistrate's decision as "incomplete and unclear" and remanded the matter to the magistrate for further findings of fact and conclusions of law. The CSEA appealed from that order.

Because an appellate court's jurisdiction is limited to the review of final orders, it must determine its own jurisdiction to proceed before reaching the merits of any appeal. *See State ex rel. White v. Cuyahoga Metro. Hous. Auth.*, 79 Ohio St.3d 543, 544, 684 N.E.2d 72 (1997). An order must be final before this court has jurisdiction to review it. *See Ohio Constitution, Article IV, Section 3(B)(2); see also R.C. 2505.03(A); R.C. 2505.02(B)(2).*

A magistrate's decision remains interlocutory until the trial court reviews the decision, adopts or modifies the decision, and enters a judgment. *See Roberts v. Skaggs*, 176 Ohio App.3d 251, 2008-Ohio-1954, 891 N.E.2d 827 (1st Dist.), citing *Yantek v. Coach Builders Ltd., Inc.*, 1st Dist. Hamilton No. C-060601, 2007-Ohio-5126, ¶ 14. Thus, a trial court order that remands the matter to a magistrate for further findings of fact and conclusions of law is not a final order and is not immediately appealable. *See, e.g., Johnson v. Burns*, 10th Dist. Franklin No. 98AP-1020, 1999 Ohio App. LEXIS 2681 (June 15, 1999).

Therefore, the appeal is dismissed.

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

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

To the clerk:

Enter upon the journal of the court on October 9, 2013

per order of the court _____.
Presiding Judge