

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

IN RE: G.F. : APPEAL NO. C-140470  
: TRIAL NO. F-99-1897X  
:  
: *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.

Appellant Mark Kaeding appeals the decision of the trial court denying his motions to vacate an order regarding his child-support arrearage and for the appointment of counsel or a guardian ad litem.

In his first assignment of error, Kaeding contends that the trial court erred by failing to make any findings of fact or conclusions of law when it denied his motions. The trial court referred Kaeding's motions to a magistrate for determination, and Juv.R. 40(D)(3)(a)(ii) permits a magistrate to issue a general decision unless findings of fact and conclusions of law are requested or required by law. Kaeding failed to request findings of fact or conclusions of law; therefore, we overrule Kaeding's first assignment of error.

Kaeding's second assignment of error asserts that the trial court erred by denying his request to vacate the order regarding his child-support arrearage because the order violates the legislative intent of "Senate Bill 337." Kaeding does not point to any portion of codified law that supports his position. Moreover, the law authorizes a court or child support enforcement agency to collect child-support arrearage, even from a prisoner. *See* R.C. 3121.36 and 3123.87. Thus, we overrule Kaeding's second assignment of error.

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In his third assignment of error, Kaeding argues that the Child Support Enforcement Agency improperly calculated his arrearage to be over \$11,000. Kaeding never raised this argument in his motions before the trial court. Therefore, he cannot raise this argument for the first time on appeal. *See, e.g., Hadassah, The Women's Zionist Org. of Am., Inc. v. Schwartz*, 197 Ohio App.3d 94, 2011-Ohio-5247, 966 N.E.2d 298, ¶ 14 (1st Dist.). We overrule Kaeding's third assignment of error.

In his fourth assignment of error, Kaeding argues that because he is incarcerated the trial court erred in refusing to appoint counsel or a guardian ad litem for him with regard to his child-support matter. Kaeding is not entitled to the appointment of counsel or other representative with regard to his motion to vacate the arrearage order against him. *See* Juv.R. 4. Therefore, the trial court did not err in denying his request for the appointment of counsel or a guardian ad litem, and we overrule Kaeding's fourth assignment of error.

The judgment of the trial court is affirmed.

Further, 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.

**FISCHER, P.J., MOCK and HILDEBRANDT, JJ.**

LEE HILDEBRANDT, JR., retired, from the First Appellate District, sitting by assignment.

To the clerk:

Enter upon the journal of the court on April 1, 2015

per order of the court \_\_\_\_\_.  
Presiding Judge