

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

RACHEL VUYANCHIH, <i>et al.</i>)	CASE NO. CV 14 831701
)	
Appellants,)	
)	JUDGE BRENDAN J. SHEEHAN
v.)	
)	
CUYAHOGA COUNTY DIVISION OF CHILDREN AND FAMILY SERVICES, <i>et al.</i> ,)	OPINION AND JUDGMENT ENTRY
)	
Appellee.)	

I. FACTS AND ISSUES PRESENTED.

This matter is before the Court on Appellee Cuyahoga County Division of Children and Family Services' ("CCDCFS") Motion to Dismiss pursuant to Civ.R. 12(B)(1).

Appellants Rachel Vuyancih and John Vuyancih filed their appeal pursuant to R.C. 2505 and 2506 from a substantiated finding of medical neglect by CCDCFS transmitted to them by letter dated July 25, 2014 relating to the care of their 10 year old son. Appellants maintain that as a result of the finding, they have been subjected to home visits by social services, are required to follow a medical treatment plan for their child or risk having the child removed from the home and have the disposition entered into the central registry on child abuse and neglect.

Appellee has moved to dismiss the appeal for lack of subject matter jurisdiction on the grounds that the finding by CCDCFS is not a final order, adjudication or decision subject to appeal.

II. LAW AND ANALYSIS.

Pursuant to R.C. 2506.01, this Court has jurisdiction to review "every final order, adjudication, or decision of any officer, tribunal, authority, board, bureau, commission, department, or other division of any political subdivision of the state."

R.C. 2506.01(C) provides:

As used in this chapter, "final order, adjudication, or decision" means an order, adjudication, or decision that determines rights, duties, privileges, benefits, or legal relationships of a person, but does not include any order, adjudication, or decision from which an appeal is granted by rule, ordinance, or statute to a higher administrative authority if a right to a hearing on such appeal is provided, or any order, adjudication, or decision that is issued preliminary to or as a result of a criminal proceeding.

R.C. 2506.01(C).

The Eighth District Court of Appeals explained the role of CCDCFS as:

CCDCFS, the public children services agency serving Cuyahoga County, investigates allegations of child abuse, neglect, and dependency. At the conclusion of each investigation, CCDCFS must issue a disposition of "substantiated," "indicated," or "unsubstantiated." The disposition may identify an individual, if that person is known, alleged to have inflicted the abuse or neglect.

The dispositional information is reported to law enforcement and the Ohio Department of Job and Family Services ("ODJFS"). Law enforcement officials may, in their discretion, conduct a criminal investigation. ODJFS receives dispositional information from the 88 Ohio counties and maintains the information in a central registry on child abuse and neglect.

Ferren v. Cuyahoga County Dep't of Children & Family Servs., 8th Dist. No. 92294, 2009-Ohio-2359, P4-P5.

The determinative issue in this case is whether the July 25, 2014 letter was a "final order" under R.C. 2506.01. It is not. The letter is not a "final order" because it does not affect

Plaintiffs' legal rights, duties, or privileges. Plaintiffs retain custody of their child and have not had any other legal rights, duties or privileges revoked as a result of the July 25, 2014 letter.

Accordingly, the Court finds that it lacks subject matter jurisdiction over this action pursuant to R.C. 2506.01. APPELLEE CUYAHOGA COUNTY DIVISION OF CHILDREN AND FAMILY SERVICES' ("CCDCFS") MOTION TO DISMISS PURSUANT TO CIV.R. 12(B)(1) IS GRANTED.

IT IS SO ORDERED.


JUDGE BRENDAN J. SHEEHAN

Dated: 12/8/14

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed to the following this 8th day of December, 2014:

Brian J. Darling
23823 Lorain Road, Suite 270
North Olmsted, OH 44070

Steven W. Ritz
Jane Edna Hunter Social Service Build
3955 Euclid Avenue, #305
Cleveland, OH 44115