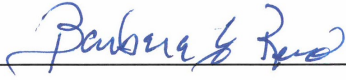


So Ordered:



Magistrate

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

JOANNA SULLIVAN
1315 BUCK RUN ROAD
CENTERVILLE, OH 45459

PLAINTIFF,

vs.

BRENDAN SULLIVAN
1199 DURHAM DRIVE
CENTERVILLE, OH 45459

DEFENDANT.

Case No. 2024 DR 00547

SETS No. 7138979864

JENNIFER PETRELLA, Judge

BARBARA E RENO, Magistrate

RECORDED

MAGISTRATE ORDER

This matter is before the court pursuant to a request for oral hearing filed by the Defendant on September 13, 2024. The hearing was held on October 2, 2024. Present were Plaintiff represented by Attorney Tyrone Borger and Defendant represented by Attorney Matthew Barbato.

The following findings of fact and conclusions of law were reached based on the evidence presented:

The parties have one child, Lucy, born June 4, 2021. The Temporary Order awarded Defendant parenting time at Erma's House, supervised based on the Plaintiff's Motion detailing Defendant's issues. Defendant does not want his parenting time supervised.

Defendant was honorably discharged on October 31, 2016, from the United States Army after serving just less than 18 years. Defendant suffers from mental health issues including PTSD, bipolar disorder, and borderline personality disorder. He is taking Abilify and is compliant with his treatment plan. The Plaintiff was his official caregiver through the VA until they separated.

Their separation took place after the parties had an argument in early August when the Defendant was becoming agitated in a public place and the Plaintiff did not want to leave. Defendant has a crisis plan in place and according to the Defendant, the Plaintiff deviated from that plan.

According to the Defendant, Lucy, their 3 1/2-year-old, does not cause him any stress that would be considered a trigger. He testified that he has taken care of her throughout her life, including a time when the Plaintiff was working, and he was home 24/7 with Lucy.

The Defendant has two other children, Katelyn, who is 22 and Michael, who is 16. He exercises the Standard Order of Parenting Time with Michael and has no issues parenting Michael. Defendant wants parenting time with Lucy on the opposite weekends as Michael because the 16-year-old and 3-year-old do not have a lot in common and have different needs. Defendant believes he can handle caring for Lucy.

Defendant is residing in the marital residence where the minor child has her own room with a full-size bed. The Defendant has restocked the residence for her. He had the house cleaned by a house cleaner and he is ready for his parenting time.

Defendant applied for Erma's House but learned there is a long wait list, and he does not want to wait and he does not believe that type of supervision is necessary. When

asked if there was somebody else to supervise, he indicated no. He testified that he has a great support network; but was unable to name a supervisor.

Plaintiff is a full-time caregiver for her sister and able to care for Lucy full-time. Plaintiff does not want the Defendant to have unsupervised parenting time because she believes that he is unable to curb his verbal aggression and looming thoughts. She also described that the Defendant has no emotional regulation and is unable to control himself over small issues. For example, the loss of the remote control for the fan or not having water bottles in his office.

Plaintiff disagreed that Defendant had taken care of Lucy overnight. Plaintiff testified that Defendant has never been the primary caregiver for Lucy. While she was working, her mother cared for Lucy and then Lucy went to daycare, and that was all by agreement of the parties.

Plaintiff testified that after the verbal and emotional abuse of the early August altercation between the parties, she felt in danger and left the marital residence with Lucy. Plaintiff describes Defendant as a caring father when he is able. Plaintiff wants Defendant to have parenting time with Lucy every other Sunday morning while at church. Plaintiff believes that Defendant's mental and physical issues prevent him from caring for Lucy. She testified that his triggers have gotten worse since Lucy was born.

Given the evidence presented, the law under R.C. 3109.051, and the length of Erma's House wait list, it is in Lucy's best interest that Defendant have parenting time with her every other Saturday and Sunday from 10:00 a.m. to Noon and every Tuesday from 4:00 p.m. to 6:00 p.m. Defendant and Lucy shall stay at the marital residence during his parenting time. Defendant's Saturdays and Sundays with Lucy shall be on the opposite weekend from his time with Michael. Plaintiff shall provide the transportation for parenting time to and from the marital residence.

IT IS THEREFORE ORDERED:

- 1. Defendant's Motion for Rule 75(N) Hearing is well taken.**
- 2. Defendant shall have parenting time with Lucy every other Saturday and Sunday from 10:00 a.m. to Noon and every Tuesday from 4:00 p.m. to 6:00 p.m. Defendant and Lucy shall stay at the marital residence during his parenting time. Defendant's Saturdays and Sundays with Lucy shall be on the opposite weekend from his time with Michael.**
- 3. Plaintiff shall provide the transportation for parenting time to and from the marital residence.**

IT IS FURTHER ORDERED BY THE COURT THAT DEFENDANT SHALL PAY THE CLERK ADMINISTRATIVE FEES FOR THIS ACTION. SAID AMOUNT SHALL BE PAID IMMEDIATELY UPON RECEIVING AN INVOICE FROM MONTGOMERY COUNTY CLERK OF COURTS.

RIGHT OF APPEAL TO THE COURT

Any party may file a motion with the court to set aside a magistrate's order. [Civ.R. 53(D)(2)(b)] The motion must state the moving party's reasons with particularity and must be filed no later than ten (10) days after the magistrate order is filed. The pendency of a motion to set aside is not an automatic stay of the effectiveness of the magistrate's order. A transcript of the proceedings is not required.

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Assignment Office
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