

SUPREME COURT OF OHIO

Carnes v. Kemp

104 Ohio St. 3d 629, 2004-Ohio-7107 (Ohio 2004) · No. Nos. 2003-2116 and 2003-2183 · Decided December 30, 2004

SUMMARY

The Supreme Court of Ohio held that a juvenile court has jurisdiction to award retroactive child support to an adult emancipated child when a parentage action is filed before the child’s 23rd birthday. The court construed R.C. 3111.05 and R.C. 3111.13(C) together and reversed the appellate court’s contrary judgment.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Francis E. Sweeney, Sr., J.; Moyer, C.J.; Resnick, J.; Pfeifer, J.; O'Connor, J.; Lundberg Stratton, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	December 30, 2004
DOCKET	Nos. 2003-2116 and 2003-2183
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal and certified-conflict review from the Court of Appeals for Auglaize County after that court reversed and remanded a juvenile-court ruling permitting retroactive child support for an adult child. The Supreme Court of Ohio accepted a discretionary appeal after determining that a conflict existed among appellate districts.
STANDARD OF REVIEW	De novo review of the statutory jurisdictional and statutory-interpretation question.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Ohio
PARTIES	Jessica Schaefer, Deborah Carnes, Auglaize County Child Support Enforcement Agency v. Barrett Kemp II

TOPICS

- child support
- paternity
- family law procedure
- statutory interpretation
- in pari materia

PRACTICE AREAS

family law

child support

paternity

statutory interpretation

QUESTIONS PRESENTED

1. Whether a juvenile court has subject-matter jurisdiction to award retroactive child support in a paternity or parentage action filed after the child reaches the age of majority but before the child's twenty-third birthday.

HOLDINGS

1. A juvenile court has jurisdiction to award retroactive child support payments to an adult emancipated child if the parentage action is filed before the child's twenty-third birthday.

KEY QUOTATIONS

“A juvenile court has jurisdiction to award retroactive child support payments to an adult emancipated child if a parentage action is filed prior to the child’s 23d birthday.” (104 Ohio St. 3d at 629; syllabus)

“Consequently, we hold that a juvenile court has jurisdiction to award retroactive child support payments to an adult emancipated child if a parentage action is filed prior to the child’s 23d birthday.” (104 Ohio St. 3d at 633; ¶ 18)

FACTUAL BACKGROUND

Deborah Carnes gave birth to Jessica Schaefer in 1982 and identified Barrett Kemp as the likely father, but Kemp provided no financial support and had little contact with Schaefer. Schaefer located Kemp in January 2001, when she was 18, and filed a paternity action with her mother and the Auglaize County Child Support Enforcement Agency before her twenty-third birthday. The parties stipulated that Kemp was Schaefer's biological father and stipulated to a retroactive child-support calculation of \$52,514.06 through emancipation.

PROCEDURAL HISTORY

Jessica Schaefer, her mother, and the Auglaize County Child Support Enforcement Agency filed a paternity action when Schaefer was 18. The parties stipulated that Barrett Kemp was Schaefer's biological father and stipulated to the amount of support that would be owed from birth through emancipation. The trial court concluded that it lacked jurisdiction to award support to Carnes but could award retroactive support to Schaefer; the court of appeals reversed, and the Supreme Court of Ohio reversed the appellate judgment and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the trial court for further proceedings consistent with the holding that the juvenile court had jurisdiction to award retroactive child support.

CASES CITED

- Snider v. Lillie (1997), 131 Ohio App. 3d 444, 722 N.E.2d 1036
- Park v. Ambrose (1993), 85 Ohio App. 3d 179, 619 N.E.2d 469
- In re Buechter, Miami App. No. 2002-CA-22, 2002-Ohio-5598, 2002 WL 31341567
- Sexton v. Conley, Scioto App. No. 01CA2823, 2002-Ohio-6346, 2002 WL 31630766
- Elzey v. Springer, Fayette App. No. CA2003-04-005, 2004-Ohio-1373
- Hudgins v. Mitchell (1998), 128 Ohio App. 3d 403, 715 N.E.2d 213
- Spires v. Moore (Nov. 24, 1999), Muskingum App. No. CT98-0040, 2000 WL 1545
- Seegert v. Zietlow (1994), 95 Ohio App. 3d 451, 642 N.E.2d 697
- State ex rel. Francis v. Sours (1944), 143 Ohio St. 120, 53 N.E.2d 1021
- Provident Bank v. Wood (1973), 36 Ohio St. 2d 101, 304 N.E.2d 378
- Cater v. Cleveland (1998), 83 Ohio St. 3d 24, 697 N.E.2d 610
- Johnson's Markets, Inc. v. New Carlisle Dept. of Health (1991), 58 Ohio St. 3d 28, 567 N.E.2d 1018
- Miller v. Miller (1951), 154 Ohio St. 530, 97 N.E.2d 213
- Thiessen v. Moore (1922), 105 Ohio St. 401, 137 N.E. 906
- Price v. Price (1983), 12 Ohio App. 3d 42, 465 N.E.2d 922
- Hall v. Hall (Mar. 15, 2001), 8th Dist. No. 77804, 2001 WL 259210

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