

payments.

{¶2} Castanias and his former wife, Alecia C. Castanias n.k.a. Lipton, were divorced in 1999, at which time Castanias was ordered to pay \$1,499.40 per month in child support for the two children born as issue of his and Lipton's marriage. The amount of Castanias' child support obligation has been modified several times. As of March 1, 2008, Castanias has been obligated to pay \$833 per month in child support and \$166.60 per month toward the arrearage in his child support payments, plus a 2 percent processing fee, for a total monthly payment of \$1,019.59.

{¶3} In September 2008, the Warren County Child Support Enforcement Agency moved to have Castanias held in contempt for failing to timely pay his child support obligation for the period from April 1, 2008 through September 11, 2008.

{¶4} On December 22, 2008, the magistrate found Castanias in contempt of court for failing to timely pay his child support obligation and recommended that he be sentenced to 30 days in jail. The magistrate also recommended that Castanias be given the opportunity to purge his contempt by (1) obtaining and maintaining full-time employment; (2) making all court-ordered child support payments, in full and on time; (3) making an additional \$5,664 payment toward the arrearage in his child support payments by December 31, 2008; and (4) establishing a bank account from which his monthly child support payment could be deducted. When Castanias filed no objection to the magistrate's decision, the trial court adopted it as its own.

{¶5} On February 19, 2009, a final sentencing and purge hearing was held, after which the trial court found that Castanias had failed to purge himself of the contempt. The trial court sentenced Castanias to 30 days in jail, with 23 days of the sentence suspended on condition that he comply with all prior orders of the court.

The trial court further ordered that upon his release from jail, Castanias was to be placed on GPS monitoring and that he was to pay, in full and on time.

{¶16} On April 2, 2009, a review hearing was held, at which time the trial court informed Castanias that he would be removed from GPS monitoring if he paid \$8,000 toward his child support arrearage. At the conclusion of the hearing, the trial court ordered that the 23-day balance of Castanias' 30-day jail sentence was to remain suspended on condition that he comply with all prior orders of the court, that GPS monitoring of Castanias continue, and that he was to pay, in full and on time.

{¶17} Castanias, acting pro se, now appeals, assigning the following as error:

{¶18} Assignment of Error No. 1:

{¶19} "THE TRIAL COURT ERRORED [sic] BY REQUIRING THAT APPELLANT REMAIN ON GPS MONITORING EVEN THOUGH HE FULFILLED THE TERMS OF THE COURT ORDER."

{¶10} Castanias argues the trial court erred by ordering him to remain on GPS monitoring because he fulfilled the terms of the trial court's February 19, 2009 order by making child support payments totaling \$1,420 to cover the period from February 26, 2009, the date he was released from jail, to April 2, 2009, the date of his review hearing. He asserts that these payments "should have been sufficient to satisfy the statement [in the February 19, 2009 order that] "[w]hen released from jail[,] Christopher Castanias will be placed on GPS monitoring. He is to pay in full and on time." We find this argument unpersuasive.

{¶11} "A person who disobeys an order or command of judicial authority may be punished for contempt." *Henneke v. Glisson*, Clermont App. No. CA2008-03-034, 2008-Ohio-6759, ¶26, citing R.C. 2705.02(A) and *Zakany v. Zakany* (1984), 9 Ohio

St.3d 192, 194. The penalties imposed for civil contempt are designed to coerce compliance with a court order for the benefit of the complainant. *Henneke*, citing *Brown v. Executive 200, Inc.* (1980), 64 Ohio St.2d 250, 253. A trial court's factual and discretionary determinations in a civil contempt action are reviewed on appeal under an abuse of discretion standard. See *Henneke* at ¶27.

{¶12} The trial court's February 19, 2009 order conditioned the suspension of 23 days of Castanias' 30-day jail sentence on his compliance with "all prior orders of the Court." One of the trial court's prior orders was that he purge his contempt by, among other things, paying \$5,664 toward the arrearage in his child support payments by December 31, 2008. The amount of \$5,664 was chosen because Castanias had told the magistrate in October or November of 2008 that he had that amount on him. However, by the time of the April 2, 2009 review hearing, the money had disappeared.

{¶13} There was evidence presented at the review hearing that Castanias had made payments totaling \$1,420 between the time of his release from jail and the date of the review hearing. However, the \$1,420 merely covered Castanias' child support obligation for the six-week period between the time he was sentenced to jail for contempt and the time of the review hearing. There was no evidence presented to show that Castanias had made any payment to reduce his child support arrearage by April 2, 2009, other than his monthly child support payment that he was already obligated to make.

{¶14} The trial court found at the review hearing that Castanias' child support arrearage was approximately \$12,000. The evidence in the record shows that Castanias will not pay his monthly child support payment, in full and on time, nor the

substantial arrearage in his child support payments until he is forced to do so. Under these circumstances, the trial court did not abuse its discretion by ordering Castanias to remain on GPS monitoring until he pays a substantial portion of his child support arrearage.

{¶15} Castanias' first assignment of error is overruled.

{¶16} Assignment of Error No. 2:

{¶17} "EVEN IF IT IS DETERMINED THAT APPELLANT DID NOT FULFILL THE TERMS OF THE FEBRUARY 26, 2009¹ ORDER, THE TRIAL COURT STILL ERRORED [sic] BY FAILING TO CONSIDER \$3,420 WORTH OF CHILD-SUPPORT PAYMENTS APPELLANT HAD MADE DURING THE COMPUTATION OF THE \$8,000 PURGE AMOUNT."

{¶18} Castanias argues the trial court erred by increasing the amount he was required to pay toward his child support arrearage in order to purge his contempt, from \$5,644 to \$8,000, because the court failed to take into account the \$3,420 he paid in child support from December 2008, to the April 2, 2009 review hearing. We find this argument unpersuasive.

{¶19} The \$3,420 amount consists of Castanias' \$1,420 child support payment that we have already discussed in response to Castanias' first assignment of error, as well as \$2,000 in child support payments that Castanias alleges he made sometime around December 2008 and January 2009. While Castanias made the trial court aware of the \$1,420 in child support payments he made to cover the six-week period from February 19, 2009, the date he was sentenced to jail for contempt, to the April 2, 2009 review hearing, Castanias did not inform the trial court about the \$2,000

1. Castanias appears to be referring to the February 19, 2009 order in this assignment of error.

in child support payments that he allegedly made in December 2008 and January 2009. Specifically, when the trial court stated at the April 2, 2009 review hearing that "there were no payments made" from November 2007 to February 2009, other than one payment in May 2008, Castanias did not object to that statement. It is well settled that errors not brought to the trial court's attention at a time when they could have been corrected or avoided altogether are considered waived for purposes of review. See *Wolf v. Wolf*, Preble App. No. CA2009-01-001, 2009-Ohio-3687, ¶26.

{¶20} Furthermore, Castanias' \$3,420 in child support payments involved sums that he was already obligated to pay in child support on a monthly basis. Castanias paid nothing on the \$12,000 arrearage in his child support payments by the time of the April 2, 2009 review hearing, other than the portion of his regular monthly child support payment that goes toward reducing the arrearage. The trial court's decision to increase the amount that Castanias needs to pay toward his \$12,000 child support arrearage in order to purge his contempt also reflects the passage of time between the magistrate's decision on December 22, 2008, when the purge amount was originally set at \$5,664, and the April 2, 2009 review hearing, when the purge amount was increased to \$8,000. The trial court's decision to do so was not an abuse of discretion under the circumstances of this case.

{¶21} Accordingly, Castanias' second assignment of error is overruled.

{¶22} Judgment affirmed.

YOUNG and HENDRICKSON, JJ., concur.

