

IN THE COURT OF APPEALS  
TWELFTH APPELLATE DISTRICT OF OHIO  
CLERMONT COUNTY

TESFAYE MULATU,	:	
Petitioner-Appellee,	:	CASE NO. CA2011-07-051
- vs -	:	<u>OPINION</u>
	:	12/5/2011
HIWOT GIRSHA,	:	
Respondent-Appellant.	:	

APPEAL FROM CLERMONT COUNTY COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
Case No. 2010FD000451

Victor Dwayne Sims, Second National Bank Bldg., 830 Main Street, Suite 601, Cincinnati, Ohio 45202, for petitioner-appellee

Kelly A. Malone, Legal Aid Society of Greater Cincinnati, 215 East Ninth Street, Suite 200, Cincinnati, Ohio 45202, for respondent-appellant

**PIPER, J.**

{¶1} Respondent-appellant, Hiwot Girsha (Mother), appeals the decision of the Clermont County Court of Common Pleas, Domestic Relations Division, dismissing for lack of jurisdiction her motion for modification of parenting orders on a foreign decree.<sup>1</sup>

---

1. Pursuant to Loc.R. 6(A), we sua sponte remove this case from the accelerated calendar and place it on the regular calendar for purposes of issuing this opinion.

We reverse the decision of the trial court.

### **Statement of Facts**

{¶2} Mother was born in Ethiopia and when 19, met 37-year-old Tesfaye Mulatu (Father), who was also born in Ethiopia. The two began an intimate relationship, and Mother became pregnant with the couple's first child. Father lived in Sweden and had citizenship there, and also worked in the United States, going back and forth between the two countries. Mother moved to Sweden in 2005 to be near Father, though the two did not consistently live with each other. Mother then had a second child with Father in January 2007, and Mother and Father married in Sweden in August 2007. Mother, Father, and their two children moved to the United States in order for Father to seek work. Father became employed with Caterpillar in Indianapolis, Indiana, but later moved to Milford, Ohio in January 2010 to seek work with Siemens once his contract with Caterpillar expired. At the time the family moved to Ohio, Mother was pregnant with the couple's third child.

{¶3} According to Father, he and Mother traveled to Sweden in March 2009, and during that time applied for a divorce together. According to Mother, Father informed her in 2009 that he was ill and needed surgery and that he wanted to have the surgery in Sweden where he could obtain free medical attention. Mother stated that when they arrived in Sweden, she and the children stayed in the hotel room while Father went out. Mother denies ever seeking or agreeing to a divorce while in Sweden, or at any other time. The family returned to the United States in early April 2009.

{¶4} Father stated that in September 2009, he and Mother jointly prepared a letter to the Stockholm District Court in an attempt to complete the divorce, which Mother allegedly signed. Mother denies any knowledge of the divorce proceedings, and indicated

that if she signed the paperwork, it was at Father's direction. Father returned to Sweden in October 2009, and the court granted the divorce and granted Father "sole guardianship" of the couple's three children. According to Mother, Father told her that he needed additional medical attention, and returned to Sweden in October 2009 to seek more medical attention. Even after October 2009, the parties continued to live together in Clermont County, Ohio.

{¶5} In December 2009, the parties traveled to Ethiopia to visit Mother's parents. Mother stated that she and the children stayed with her family because Father stated that he was going to visit his mother and would return in a day or two. It is undisputed that Father took the children's passports, left Ethiopia, and did not return to take Mother and the children home to Ohio. Mother returned to the United States in January 2010 in order to maintain her residency status and work permit. When Mother returned from Ethiopia she attempted to bring her children, but she was unable because the children did not have their passports. Mother therefore returned alone and lived in Maryland with a relative while working at a CVS store in order to send money home to her parents to help provide for the children.

{¶6} In March 2010, Father filed a petition in the Clermont County Court of Common Pleas, Domestic Relations Division, to register the foreign divorce decree. In April 2010, Father also sought a civil protection order in the same court, in which he claimed that Mother called him on the phone and threatened him. Father swore under oath in his parenting affidavit that Mother was his former spouse and that their three children were residing in Clermont County with him and had been since January 2009. Despite Father's sworn statement otherwise, the children had not left Ethiopia. Mother filed a counterclaim, asking that the Swedish order be modified and that she receive custody of the children. Soon thereafter, the magistrate ordered that the children remain

living with Mother's parents, and further ordered that the children not be removed from Ethiopia by either Mother or Father. Mother tried on a second occasion to bring the children from Ethiopia, but was denied by the Customs Department because of this order.

{¶7} Mother entered into a three-month lease for an apartment in Clermont County on February 28, 2011, believing that the Clermont County courts had jurisdiction to modify the Swedish parenting order. In April 2011, the magistrate issued a decision finding that it had personal jurisdiction over the parties as well as subject matter jurisdiction over the issues. The magistrate found that while Father maintained a mailing address in Indianapolis (attached to his former job with Caterpillar) and Sweden, his only residence presented to the court since the inception of his petition to register a foreign decree and subsequent motions was in Clermont County.

{¶8} The magistrate accepted and registered the Swedish divorce decree and parenting orders, and found that Sweden should be treated as a state of the United States for the purpose of applying sections of R.C. Chapter 3127, Ohio's version of the Uniform Child Custody Jurisdiction and Enforcement Act. The magistrate designated Mother the temporary residential parent and legal custodian of the children, and ordered Father to produce the children's passports. The magistrate also set a hearing for April 28, 2011 to determine what parenting orders were in the children's best interests.

{¶9} After Father filed objections to the magistrate's decision, the trial court overruled the objections and adopted the magistrate's findings and orders. In doing so, the trial court specifically found that the Clermont County courts properly held jurisdiction over the proceedings. On April 29, 2011, the trial court issued an order finding Father in contempt for failing to produce the children's passports, and for the first time ordered that Mother was permitted to apply for replacement passports to move the children from Ethiopia to Clermont County. Mother entered into a one-year lease on June 1, 2011 for a

larger apartment based on the court's order granting her permission to bring the children back from Ethiopia.

{¶10} Father filed a motion to set aside and dismiss the contempt finding, claiming that the trial court lacked jurisdiction to order him to present the passports and that the court lacked jurisdiction to find him in contempt. On June 7, 2011, the trial court revisited the jurisdictional issue and found that Father was no longer employed in Ohio and that Mother had not presented sufficient evidence to establish Father's residency in Ohio. The trial court then set aside its previous contempt finding, and dismissed Mother's motion for modification of the Swedish parenting order for lack of jurisdiction. The trial court's decision also dismissed as moot all other motions pending at the time of its decision. Mother now appeals that decision, raising the following assignment of error.

{¶11} "THE TRIAL COURT ERRED IN DISMISSING RESPONDENT-APPELLANT'S CUSTODY CLAIM FOR LACK OF JURISDICTION."

### **Uniform Child Custody Jurisdiction and Enforcement Act**

{¶12} Before we begin our analysis of the case at bar, background information on the Uniform Child Custody Jurisdiction and Enforcement Act may prove useful in understanding the legal concepts necessary to analyze this case.

{¶13} Because resolution of domestic relations issues is better left within the control of the individual states, the states relate to each other as if they were independent countries. Spector, *International Child Custody Jurisdiction and the Uniform Child Custody Jurisdiction and Enforcement Act* (2000), 33 N.Y.U. J. Intl. L. & Pol. 251.<sup>2</sup> With each state treated as an independent legal entity, the courts needed a method to

---

2. Subsequent citations regarding the history and information discussed in this section are taken from Spector's law review article, unless otherwise noted.

determine which state had the proper jurisdiction to decide custody issues across state or international lines. In 1968, the National Conference of Commissioners on Uniform State Laws promulgated the Uniform Child Custody Jurisdiction Act (UCCJA) which was ultimately adopted in all states and the District of Columbia. However, several states adopted legislation that varied significantly from the UCCJA causing substantial inconsistencies when interpreted within the individual states. In 1995, a drafting committee was comprised to revise the UCCJA in the hopes of eliminating the inconsistencies. The resulting act, the Uniform Child Custody Jurisdiction and Enforcement Act (the Uniform Act) was promulgated in 1997 and has been adopted by all but one state, and that state appears to be in the legislative process of adopting their own version of the Uniform Act.

{¶14} The main provisions of the Uniform Act include: determining when states can exercise jurisdiction over a child; requiring states to enforce custody determinations; forbidding states from modifying custody determinations made by other states unless the other state no longer had jurisdiction under the Uniform Act; requiring states to decline jurisdiction if another state had assumed jurisdiction; and permitting states to decline jurisdiction if another state would offer a more convenient forum. These principles also applied to international courts. The most significant change from the UCCJA to the current law was the granting of jurisdictional priority and exclusive continuing jurisdiction to the home state.

{¶15} The Uniform Act was adopted by the Ohio General Assembly in 2004 and became effective in 2005, replacing the UCCJA. In addition to providing consistent results, the Uniform Act was also passed in order to guarantee that parents and children had a forum in which to resolve their disputes and to prevent forum shopping or "jurisdictional competition." *Rosen v. Celebrezze*, 117 Ohio St.3d 241, 2008-Ohio-853,

¶41. In essence, the Uniform Act provides an open door to the judicial system so that issues related to child custody can be determined and enforced despite a parent's choice to relocate around the country, or the world. Despite the mobility of parents, there should never be a "no-man's land" for children. The Uniform Act is designed to ensure that a forum will always be in existence concerning custody issues that need to be decided, regardless of the parents' circumstances.

### **Jurisdiction Created by Statute**

{¶16} Ohio's Uniform Act "provides four types of initial child-custody jurisdiction: home-state jurisdiction, significant-connection jurisdiction, jurisdiction because of declination of jurisdiction, and default jurisdiction. R.C. 3127.15(A)(1) through (4)." *Rosen*, 2008-Ohio-853 at ¶31. R.C. 3127.15 of Ohio's Uniform Act specifically states the following criteria for establishing jurisdiction to make an initial custody decision.

{¶17} "(A) Except as otherwise provided in section 3127.18 of the Revised Code, a court of this state has jurisdiction to make an initial determination in a child custody proceeding only if one of the following applies:

{¶18} "This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state.

{¶19} "A court of another state does not have jurisdiction under division (A)(1) of this section or a court of the home state of the child has declined to exercise jurisdiction on the basis that this state is the more appropriate forum under section 3127.21 or 3127.22 of the Revised Code, or a similar statute of the other state, and both of the following are the case: (a) The child and the child's parents, or the child and at least one

parent or a person acting as a parent, have a significant connection with this state other than mere physical presence. (b) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships.

{¶20} "All courts having jurisdiction under division (A)(1) or (2) of this section have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 3127.21 or 3127.22 of the Revised Code or a similar statute enacted by another state.

{¶21} "No court of any other state would have jurisdiction under the criteria specified in division (A)(1), (2), or (3) of this section.

{¶22} "(B) Division (A) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

{¶23} "(C) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination."

{¶24} R.C. 3127.16 provides, "except as otherwise provided in section 3127.18 of the Revised Code, a court of this state that has made a child custody determination consistent with section 3127.15 or 3127.17 of the Revised Code has exclusive, continuing jurisdiction over the determination until the court or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this state."

{¶25} At the most recent hearing conducted in June 2011, the trial court determined that it lacked subject matter jurisdiction over the custody issue because the parties and their children no longer resided in Clermont County. The trial court determined that "there is no longer any significant connection by the parties with Ohio required under RC3127.15(A)(2)(a)" [sic] and that it lacked continuing jurisdiction to modify the parenting orders pursuant to R.C. 3127.16.

{¶26} Normally, a trial court's decisions regarding domestic relations issues are reviewed by an appellate court under the abuse of discretion standard. *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219. However, an appellate court reviews de novo the decision of the trial court regarding the existence of subject matter jurisdiction, because such a determination is a matter of law. *In re K.R.J.*, Clermont App. No. CA2010-01-012, 2010-Ohio-3953.

### **Clermont County as a Proper Forum**

{¶27} Despite the trial court's finding that it lacked proper subject matter jurisdiction to issue a decision on the custody issue, the Clermont County Court of Common Pleas remains a proper forum to decide the issues that were presented to the court. Even if the parties are not currently residing in Ohio, and as aptly pointed out by the magistrate's decision, Clermont County remains a proper forum under R.C. 3127.15(A)(2).

{¶28} R.C. 3127.15 (A)(1) provides that an Ohio court can exercise its jurisdiction if Ohio is the home state of the child when the proceeding is commenced, or if Ohio is the child's home state "within six months before the commencement of the proceedings" and the child is absent from Ohio but a parent or person acting as a parent continues to live in Ohio. However, these provisions are inapplicable because Ohio has not been the children's home state since they stayed in Ethiopia after the family's trip there in 2009.

{¶29} According to R.C. 3127.01(B)(7),"home state" means "the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of a child custody proceeding and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period."

{¶30} While the definition of "home state" in R.C. 3127.01(B)(7) is somewhat different than that used in R.C. 3127.15 regarding the six-month time frame before commencement of the proceedings, the Ohio Supreme Court has held that determining a home state for purposes of initial determinations is not limited to the time period of six consecutive months immediately before the commencement of a child custody proceeding, but rather *within* six months before the commencement of the child custody proceeding. *Rosen*, 2008-Ohio-853.

{¶31} The child custody proceeding that would trigger the six-month time frame was Mother's counterclaim for a modification of the allocation of parental rights on August 23, 2010. However, the children were not living in Ohio as of that date, or at any time within the previous six months. Therefore, the trial court did not have subject matter jurisdiction pursuant to R.C. 3127.15(A)(1).

{¶32} Pursuant to R.C. 3127.15(A)(2), jurisdiction exists so long as a court of another state does not have jurisdiction pursuant R.C. 3127.15(A)(1) and both of the following are the case: (a) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with Ohio other than mere physical presence; and (b) substantial evidence is available in Ohio concerning the child's care, protection, training, and personal relationships.

{¶33} No other court has jurisdiction pursuant to R.C. 3127.15(A)(1), including Sweden, Indiana or Ethiopia. Regarding Ethiopia, while the Children have been living there since December 2009, neither Father nor Mother lives there with them as is required by the statute. Additionally, Mother's parents are not "acting as parents" because they do not hold legal custody of the children, nor have they moved for legal custody of the children. While the children, Mother, and Father have lived together as a family in Indiana and Sweden, they have not done so within a period of time sufficient to satisfy the Uniform

Act.

{¶34} Regarding the other two requirements of R.C. 3127.15(A)(2)(a) and (b), both are met. First, the children and both parents have significant connection with Ohio. Prior to visiting Ethiopia in December 2009, the family lived together in Clermont County for approximately a year, and Father worked for Siemens in Milford, Ohio. During Father's deposition, he stated that both he and Mother lived in Clermont County and that he was "hoping" that Mother would bring the children back to Ohio from Ethiopia because that is where they lived. Father also testified at a hearing on his motion to register the foreign divorce decree that he hoped to raise the children "here in the U.S." Mother also testified that she believes the Clermont County court is the "only court" that can make a decision on custody and that she signed her one-year lease in Ohio so that she could seek custody "and to bring my kids to the United States and to enroll them in school and get them stable life [sic]." Mother also had a job interview in Batavia, Ohio the day after the June 7, 2011 hearing to secure employment in Clermont County, thus showing her continued commitment to Ohio.

{¶35} We also note that Father's act of taking the children's passport is the initial reason the children were stranded in Ethiopia and could not return to their residence in Ohio. Father took Mother and the children to Ethiopia under the guise of visiting Mother's parents, and then left them there without legal means of returning to Clermont County. Any break in the parties' significant connection with Ohio was predicated by Father's refusal to return the children's passports so that they could return to Ohio. Father's misconduct resulted in his eventual finding of contempt by the Clermont County court.

{¶36} It is informative to note that R.C. 3127.22 addresses "unjustifiable conduct," and warns a court that jurisdiction is not proper if it is garnered by moving children from their home state. R.C. 3127.22(D) defines "unjustifiable conduct" as "conduct by a parent

or that parent's surrogate that attempts to create jurisdiction in this state by removing the child from the child's home state, secreting the child, retaining the child, or restraining or otherwise preventing the child from returning to the child's home state in order to prevent the other parent from commencing a child custody proceeding in the child's home state." Father's denial of the children's passports has prohibited them from returning to Ohio and a court of another state could certainly deem Father's conduct unjustifiable under the Uniform Act should he attempt to establish jurisdiction in another forum. Thus, Father cannot avoid (A)(2) "significant-connection" jurisdiction with unjustified conduct that wrongfully attempts to create a new (A)(1) "home state" jurisdiction.

{¶37} In fairness to Mother, we must also note that she has been unable to move the children from Ethiopia during the pendency of these proceedings. The magistrate's order granting her temporary custody was contested when Father filed objections, and the magistrate's order was never finalized. The trial court did not grant Mother permission to apply for replacement passports to return the children from Ethiopia until its order dated April 29, 2011. Until the April 29, 2011 order, Mother had been prohibited in returning the children from Ethiopia. While Mother was in the midst of making arrangements to bring her children back, the trial court dismissed the case for lack of jurisdiction on June 9, 2011, only 41 days after its April 29, 2011 entry. Any attempts Mother made to procure replacement passports and arrange for her children's return was thwarted by the trial court's June 9, 2011 entry setting aside its prior orders and dismissing the case. Mother's lack of physical custody and care of her children has been due to obstacles not of her making.

{¶38} The Clermont County court still has access to substantial evidence concerning the children's care, protection, training and personal relationships, as they lived in Ohio for a year before visiting Ethiopia, sharing a house with Mother and Father,

as well as receiving routine medical attention and care. The oldest child also attended preschool in Ohio before the family visited Ethiopia.

{¶39} The trial court's decision states that it found subject matter jurisdiction lacking because neither parent is a resident of Ohio. The trial court reached that decision because "the only evidence submitted by Mother regarding Father's residency was a letter dated February 28, 2011 from Siemens stating that their records 'indicate the current job assignment is Siemen's PLM's Cincinnati office.'" The trial court concluded that the letter, at best, established that Father was an employee as of January 3, 2011, but was not otherwise sufficient to prove that Father worked or lived in Ohio since that date. Father's continued employment within Clermont County, while not conclusive of his residency, certainly has significance.

{¶40} Despite the trial court's findings, the record reveals the court did not have any evidence properly before it that Father did not reside in Clermont County. All of Father's initial filings indicated that he lived in Clermont County, as did his testimony at the hearings he attended. As of April 2010, Father's motions asserted that he lived in Clermont County, and even falsely purported that the children lived with him in Ohio. Father's residency claim did not change until January 2011. One simply cannot magically dissolve subject matter jurisdiction by declining to attend further hearings and/or sending a representative to say "I moved."

{¶41} While Father did not appear at the hearing on his objections, Father submitted affidavits in which he first claimed that he lived in Indiana, and a later affidavit that claimed he had moved back to Sweden. Other Courts have recognized in a variety of legal proceedings that self-serving affidavits are to be given little, if any, weight. See *Cyr v. Cyr*, Cuyahoga App. No. 84255, 2005-Ohio-504; *Schroeder v. Tennill* (Aug. 27, 1990), Stark App. No. CA-8123 (limiting weight even where Civ.R. 56[C] provides for affidavits);

and *State v. Wilson*, Clermont App. No. CA2001-09-072, 2002-Ohio-4709.

{¶42} Moreover, these affidavits were nothing more than inadmissible hearsay of Father, who was not subject to cross-examination. "The judgment of the trial court must be based upon the evidence actually adduced from the witness stand, from exhibits admitted during trial or from any stipulations agreed upon by counsel. An affidavit is not subject to cross-examination and, standing alone, is inadmissible at trial. The fact an affidavit has been filed in the record does not mean it is admitted at trial." *Midstate Educators Credit Union, Inc. v. Werner*, 175 Ohio App.3d 288, 2008-Ohio-641, ¶35. (Internal citations omitted.) Father's trial tactics cannot be used in an attempt to circumvent jurisdiction. The comprehensive purpose of the Uniform Act, to provide a forum for child custody issues, cannot be defeated by strategic maneuvers.

{¶43} Importantly, the magistrate previously found Father's statements regarding his residence "to be not credible." We recognize that the trial court was in the position to disregard the magistrate's credibility determination upon its review of the issue. Yet, the record does not support the trial court's subsequent finding that jurisdiction lapsed because the parties did not reside in Ohio at the time of the hearing and that there was no longer any significant connection.

{¶44} Regardless of Father's residency, subject matter jurisdiction is evoked at the time of the child custody proceeding, and cannot be lost while the motion remains pending unless statutorily relinquished to another jurisdiction exercising proper proceedings. According to R.C. 3127.16, "except as otherwise provided in section 3127.18 of the Revised Code, a court of this state that has made a child custody determination consistent with section 3127.15 or 3127.17 of the Revised Code has exclusive, continuing jurisdiction over the determination until the court or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently

reside in this state."

{¶45} A de novo review reveals R.C. 3127.16 is improperly applied when reaching a conclusion that Clermont County no longer had subject matter jurisdiction. Once jurisdiction is vested under R.C. 3127.15(A)(2), R.C. 3127.16 simply sets forth the terms under which Ohio no longer has exclusive jurisdiction. In other words, R.C. 3127.16 sets forth the proposition that it is possible that an Ohio court is not the only court/state with jurisdiction. However, that statutory principle does not strip the Ohio trial court from continuing jurisdiction. R.C. 3127.16 allows the trial court to make a determination only to eliminate exclusive jurisdiction. While an (A)(1) "home state" can have exclusive jurisdiction, no other court presented itself as the exclusive or better forum. The parties have not litigated whether Ethiopia or any other state/country has jurisdiction pursuant to the Uniform Act or any other country's uniform child custody act.

{¶46} We must note that according to R.C. 3127.15(C), the Ohio legislators contemplated a situation in which a court would be faced with circumstances where the parties or children are absent from the state. When attempting to develop a comprehensive statutory design, our legislators cogently specified that "physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination." The presence or absence of a particular party in the forum is not controlling. Even if Father moved back to Indianapolis or Sweden, his relocation would not break the jurisdictional ties between the parties and Ohio once each availed themselves of the Clermont County courts. To hold otherwise would provide parties the ability to forum shop by moving, or simply informing the court that they have moved. To permit such forum shopping would circumvent the very purpose of the Uniform Act.

{¶47} Even if the provisions of R.C. 3127.15(A)(2) did not apply, the Uniform Act's "catch-all" provision supports our finding that Clermont County is a valid forum. This

provision guarantees that no child will have its best interest unaddressed for lack of a forum. Guaranteeing that there would be no cracks for children to fall through, Ohio legislators included the default section, R.C. 3127.15(A)(4). In (A)(4), a court has jurisdiction to hear a custody issue where "no court of any other state would have jurisdiction under the criteria specified in division (A)(1), (2), or (3) of this section."

{¶48} As previously discussed, no other state/foreign country has jurisdiction under (A)(1) because neither parent currently lives with the child in a home state or has lived with the children for the previous six-months. No other state or country has the significant connections and access to substantial evidence as is required by (A)(2), except for Ohio where the parties lived together as a family for approximately a year before visiting Ethiopia. (A)(3) is also inapplicable because the record does not indicate that another court which would have had jurisdiction under (A)(2) has declined to exercise jurisdiction because Ohio is the more appropriate forum to determine the custody issue.<sup>3</sup>

{¶49} Moreover, the record is lacking information that Ethiopia has a reciprocal code in place that provides similar procedural safeguards and protections as the Uniform Act. Further, the record lacks any indication that another forum believes itself to have jurisdiction over the case. When there is more than one forum that may exercise jurisdiction, the Uniform Act provides a method wherein the forums communicate with each other and offer reciprocity based on their own version of the Uniform Act. See R.C. 3127.09, 3127.37. However, the record does not contain any attempts by other courts to communicate with Clermont County to discuss any jurisdictional claims.

---

3. Father proffered an order from an Ethiopian court regarding the Swedish decree. The Ethiopian court allegedly found the Swedish decree to be valid based on Ethiopian law regarding foreign decrees. However, the trial court had a translation of the decree it found "difficult to follow." The trial court went on to state that it was difficult to "see what the Ethiopian courts are doing," and that the proceedings referenced were "clear as mud." In our review of the entire record pertaining to this subject, the trial court was completely correct in reaching this conclusion. Beyond that, forum shopping is not condoned particularly once jurisdiction has been previously determined to exist.

{¶50} The very purpose of the Uniform Act is highlighted by the facts herein. If Ohio does not exercise its proper jurisdiction over the custody issue, Mother and Father's children will be forced to continue to live in a state of uncertainty. The Uniform Act was promulgated so that every family would have a forum to secure their day in court. The Uniform Act, and thus Ohio's statutes, ensure that legal proceedings involving children will occur when necessary despite parents being separated and/or divorced and living in various places around the country or the world. According to the legal principles discussed above, the Clermont County Court of Common Pleas, Domestic Relations Division, has proper subject matter jurisdiction to address the custody issues raised by Mother.

{¶51} Mother's single assignment of error is sustained. The trial court's finding of contempt is reinstated, as well as interim parenting orders, and all motions pending at the time of the trial court's finding that it lacked subject matter jurisdiction. The cause herein is remanded for further proceedings consistent with this opinion.

{¶52} Judgment reversed and cause remanded.

HENDRICKSON, P.J., and HILDEBRANDT, J., concur.

Hildebrandt, J., of the First Appellate District, sitting by assignment of the Chief Justice, pursuant to Section 5(A)(3), Article IV of the Ohio Constitution.