

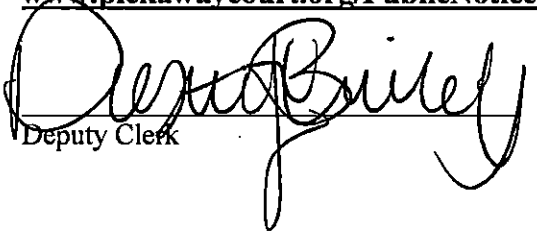
**PICKAWAY COUNTY JUVENILE/PROBATE COURT 207 S. COURT STREET,
CIRCLEVILLE, OHIO 43113**

NAME: BURROWN/BUMGARNER V WILBURN

Case No: 2023-JUV-482

DATE POSTED: 3/25/2024

www.pickawaycourt.org/PublicNotices


Deputy Clerk

3/25/2024
Date

Date Removed : _____

Deputy Clerk

Date

FILED

IN THE COURT OF COMMON PLEAS PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

JEFFREY J. BURROW
587 Oakland Terrace
Circleville, Ohio 43113

Plaintiff,

and

SHANNON BUMGARNER
2665 Cornstalk Avenue
Ashville, Ohio 43103

-v-

AMANDA WILBURN
(unknown address)

Defendant.

2024 MAR 25 AM 9:37
CASE NO. 2023-JUV-482

SHELLY R. HARSHA
JUVENILE COURT JUDGE
PICKAWAY COUNTY, OHIO
JUDGE HARSHA

MAGISTRATE CHARLES

MAGISTRATE'S DECISION
FOR SHARED CUSTODY
WITH INSTRUCTIONS

THIS MATTER COMES before the Court on November 27, 2023, on the Complaint for Shared Custody. Plaintiff, Jeffrey J. Burrow and Intervenor, Shannon Bumgarner, consented to the Shared Custody Plan. Defendant, Amanda Wilburn, was properly served with notice of the final hearing and failed to appear. Defendant, Amanda Wilburn, has not filed timely objections. The Court notes it conducted an In Camera interview with the minor child during the pendency of the case. The Magistrate, finding said Complaint well-taken and in the best interest of the minor child, hereby recommends that the following provisions be adopted as the order of the Court:

1. Plaintiff, Jeffrey J. Burrow and Intervenor, Shannon Bumgarner, are granted shared custody of Matthew Orlando Wilburn, Jr., born March 4, 2007, pursuant to the terms of the Shared Custody Plan filed herein and attached hereto as "Exhibit A".

2. No child support has been requested at this time.

A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. If a party makes a timely request for findings of fact and conclusions of law, the time for filing objections begins to run when the magistrate files a decision that includes findings of fact and conclusions of law.

Camiey Chaur
Magistrate

3/25/24
Date

Prepared by:

Rose K. Vargo
Rose K. Vargo McFarland #0081404
Attorney for Plaintiff,
Jeffrey J. Burrow

INSTRUCTIONS TO THE CLERK

Please issue a copy of this Magistrate's Decision via regular U. S. Mail upon Shannon Bumgarner, 2665 Cornstalk Avenue, Ashville, Ohio 43103, and Jeffrey J. Burrow, 587 Oakland Terrace, Circleville, Ohio 43113, and a regular copy upon Attorney Rose K. Vargo McFarland by placing in her courtesy box at said Court.

TO THE CLERK:

1. Post copies of the Magistrate's Decision upon Amanda Wilburn, mother of Matthew Orlando Wilburn, Jr., DOB March 4, 2007, on the Pickaway County Juvenile Court website, in the section designated as "Public Notices".
2. The notice shall contain the name and address of the court, the case number, the name of the first party on each side, and the name and last known address of, if any, of the person or persons whose residence is unknown. The notice shall contain a summary statement of the object of the decision; the demand for relief; and shall notify the person to be served that he or she is required to answer within fourteen (14) days after the last date of posting.
3. This notice shall be posted for two (2) consecutive weeks for a total of fourteen (14) days after filing.
4. After the last day of posting, the clerk shall note on the docket where and when notice was posted.

EXHIBIT A

**IN THE COURT OF COMMON PLEAS PICKAWAY COUNTY, OHIO
JUVENILE DIVISION**

JEFFREY J. BURROW

Plaintiff,

and

SHANNON BUMGARNER

Intervenor,

-v-

AMANDA WILBURN

Defendant.

CASE NO. 2023-JUV-482

JUDGE HARSHA

MAGISTRATE CHARLES

SHARED CUSTODY PLAN

The parties are submitting to the Court this Shared Custody Plan for the minor child, namely, *Matthew Orlando Wilburn, Jr., born March 4, 2007*, and believe that it is in the best interest of the minor child for him to be in the joint care and custody of Plaintiff, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor. Pursuant to Ohio Revised Code 2151.23, the parties request that this Court approve the following plan for shared custody and visitation of and with the minor child.

ARTICLE I. CUSTODIAL COMMITMENT

Plaintiff, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall conduct themselves in a manner conducive to the welfare and best interest of the minor child.

Plaintiff, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, further agree that they will implement all terms of this plan and will make a sincere and dedicated effort to follow it at all times and to cooperate with each other. In the event that the parties cannot agree in regard to any matters relating to the minor child, Plaintiff, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, agree to submit the unresolved issues to mediation or to a court of competent jurisdiction for resolution.

ARTICLE II. CHILD'S RIGHTS

As part of their commitment to the minor child, Plaintiff, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall have a legal obligation to accord the minor child certain rights (which rights shall be construed as being legally enforceable by the child solely to the extent provided by law without reference to this Shared Custody Plan). The rights are:

- A. The right to a stable and conflict free environment.
- B. The right to a continuing relationship with all parties.
- C. The right to be treated as an important human being, with unique feelings, ideas, needs and desires.
- D. The right to continuing care and guidance from all parties.
- E. The right to know and appreciate what is good in each party without one party degrading the other.
- F. The right to express love, affection and respect for each party without having to stifle those emotions because of fear of disapproval by the other party.
- G. The right not to be a source of argument between the parties.
- H. The right to have a relaxed, secure relationship with all parties without being placed in a position to manipulate or be manipulated by one party against the other.

ARTICLE III. CUSTODIANS' RIGHTS

The parties shall have the following rights (which rights shall be construed as being legally enforceable by the parties solely to the extent provided by law without reference to this Shared Custody Plan):

- A. The right to make decisions concerning the child's health, social situation, morals, welfare, education, legal and economic environment.

B. The right to reasonable access and unhampered contact with the child upon reasonable prior notice.

C. The right to authorize emergency medical, surgical, hospital, dental, institutional, psychological or psychiatric care.

D. The right to seek a second opinion for medical, surgical, hospital, dental, institutional, psychological or psychiatric care.

E. The right to be notified in case of any injury to any of the child and in case of the child's illnesses.

F. The right to inspect and receive the child's medical and dental records and the right to consult with any treating physician, dentist or other service provider of the child.

G. The right to consult with school officials concerning the child's welfare and emotional status, and the right to inspect and receive student records to the extent permitted by law.

H. The right to receive or have forwarded promptly from the other party or school, copies of all school reports, schedules of school events, notices of party-teacher conferences and school programs.

ARTICLE IV. CUSTODIANS' GUIDELINES

For the best interest of the minor child, Plaintiff, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall agree to abide by the following guidelines:

A. To provide the minor child with an emotional environment in which she is free to continue to love the other party and to spend time with that party.

B. To encourage good feelings from the minor child about the other party and that party's extended family.

C. To encourage the minor child to remember the other party on special occasions.

D. To communicate with each other openly, honestly and regularly to avoid misunderstandings which are or may be harmful to the minor child.

E. To plan together as custodians rather than through the minor child.

F. To plan and consult with each other in advance for time with the minor child.

G. To avoid taking sides or issue with decisions or actions by the other party in the presence of the minor child.

H. To present a united front in handling problems with the minor child.

I. To refrain from fighting and arguing with the other party and degrading the other party in the presence of the minor child.

J. To refrain from discussing the other party or the other party's actions and decisions with other parties in front of the minor child.

K. To refrain from withholding time with the other party as punishment to the minor child or the other party.

L. To take a consistent and predictable role in the minor child's life, using time with the minor child to strengthen the custodial relationship with them.

M. To be flexible in arranging dates and times with the minor child so that such dates and times do not interfere with important family events or prior planned activities of the other party.

N. To see that time schedules with the minor child will be regularly observed, with the late party to phone and leave word concerning the reason for lateness and the estimated new time.

O. To treat the minor child as a unique person, respecting her feelings and needs.

P. To establish mutually agreed upon behavioral standards for the minor child and apply them consistently with reason.

Q. To refrain from trying to "buy" affection or "lobby" judgment.

R. To give the other party reasonable (48 hours) notice of when the minor child is to be taken out of the state.

ARTICLE V. PHYSICAL LIVING ARRANGEMENTS

Defendant, Amanda Wilburn shall have supervised visitation with the minor as can be arranged at the sole discretion of the legal custodians.

Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall have liberal visitation as arranged between them. It is anticipated the minor child will live primarily with Shannon Bumgarner, Intervenor, and will visit Jeff Burrow as the child desires. The parties anticipate and understand that if Shannon Bumgarner, Intervenor's health fails, Jeffrey J. Burrow shall become the primary caretaker of the minor child.

ARTICLE VI. CHILD SUPPORT

No child support shall be ordered at this time.

ARTICLE VII. TAX EXEMPTION AND CHILD TAX CREDIT

Shannon Bumgarner, Intervenor, has the right to claim Matthew O. Wilburn, Jr., as a dependent for income tax purposes and shall be entitled to claim the child tax credit for tax year 2023 and forward. At such time as Shannon Bumgarner, Intervenor, is no longer able to claim the child as a dependent for income tax purposes due to her no longer having primary care of him, death or otherwise, Jeffrey J. Burrow shall be entitled to claim the child as dependent for income tax purposes and shall be entitled to claim the child tax credit.

Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall execute and deliver to the other party IRS form 8332 for every tax year that he is not entitled to claim the minor child as a dependent for income tax purposes, and the party executing said IRS form 8332 shall not claim said child for such tax year. The IRS form 8332 shall be executed and delivered by February 1st immediately following the tax year in question. Any party who fails to execute and timely deliver a form 8332 as required and/or improperly claims the child as a dependent, shall reimburse the other party for all losses or costs related thereto, including increased taxes, penalties, interest, and, specifically, for attorneys fees and court costs incurred in enforcing this provision.

**ARTICLE VIII. MEDICAL INSURANCE,
EXPENSES, MEDICAL SUPPORT**

The minor child is covered under a government sponsored health insurance program. Jeffrey J. Burrow nor Shannon Bumgarner, Intervenor, shall be required to provide private health insurance coverage for the minor child.

IX. MEDICAL DECISIONS

Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall each have the right to make all medical, surgical, hospital, dental, institutional, psychological or psychiatric care decisions regarding the minor child. Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall work together and use their best efforts to make all major decisions affecting the associations, health, education, welfare, and religious activities of the child. Health-related decisions shall be defined as medical, dental, pharmaceuticals, orthodontia, mental health, and optical needs of the children.

Emergency health decisions may be made by Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, while exercising parenting time with the child and must follow the medical advice given by the treating physician until Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, agree otherwise in writing. Either Jeffrey J. Burrow and Shannon

Bumgarner, Intervenor, shall immediately (within one hour, if possible) inform the other of the circumstances of the emergency and the decision.

Shannon Bumgarner, Intervenor, shall make appointments for the child and shall inform Jeffrey J. Burrow of the date, time and location of all appointments as soon as scheduled unless the child is ill and need immediate medical attention. If one party cannot attend the appointment, the other party shall inform the party who could not attend of the outcome of the appointment and provide information from the appointment. Further, each party shall provide instructions to the other party regarding the care to be provided to the child including, but not limited to, the administering of medications and any follow-up appointments.

In the event Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, cannot agree to the medical issues of the child they shall follow the recommendations of the health care providers.

ARTICLE X. SCHOOL PLACEMENT

Shannon Bumgarner, Intervenor, shall be the residential custodian for school placement purposes so long as the minor child is in the Teays Valley School District. At such time as Shannon Bumgarner, Intervenor, is no longer able to be the primary caretaker of the minor child, or moves from Teays Valley School District, Jeffrey J. Burrow shall be the residential custodian for school placement purposes and shall be permitted to enroll the child in school with this document.

ARTICLE XI. TRANSPORTATION

Jeffrey J. Burrow and Shannon Bumgarner, Intervenor, shall share equally in transportation.

ARTICLE XII. TELEPHONE CONTACT

Unless otherwise excused by the Court, each party shall disclose to the other their telephone number(s). The child may call any party at any and all reasonable times as she wishes. Telephone communication shall not be monitored or censored. Telephone contact shall include Facetime, Skype or other similar live video communication. Any communication involving video shall be limited to one room in order to protect the privacy of the child and the party with whom he is communicating.

ARTICLE XIII. MISCELLANEOUS NOTICES TO CUSTODIANS

A. The parties are hereby notified pursuant to R.C. 3113.21(G)(3) that willful failure to supply a correct address or residence address, or to provide the Court with all changes in either address, is contempt of court.

B. **Relocation Notice.** Pursuant to Ohio Revised Code Section 3109.051(G), the parties hereto are hereby notified as follows:

If any party intends to move to a residence other than his or her present residence, she/he shall file a notice of intent to relocate with this Court. Except as provided in ORC Sections 3109.051(G)(2), (3) and (4), a copy of such notice shall be mailed by the Court to the other party. Upon the receipt of the notice, the Court, on its own motion or the motion of the other party, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the child to revise the shared visitation schedule for the child.

C. **Records Access Notice.** Pursuant to Ohio Revised Code Sections 3109.051(H) and 3319.321(B)(5)(a), the parties hereto are hereby notified as follows:

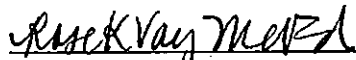
Excepting the records as specifically modified or otherwise limited by the parties, and subject to ORC Sections 2301.35(G)(2) and 3319.321(F), Jeffrey J. Burrow and Shannon Bumgarner, Intervenor are each entitled to access to any record that is related to the child and to which said parties of the child legally are provided access, including school records. Any keeper of a record, public or private, which knowingly fails to comply with this Order, is in contempt of court.

D. Day Care Records Access Notice. Pursuant to Ohio Revised Code Sections 3109.051(I) and 5104.011(3)(a), the parties hereto are hereby notified as follows:

Jeffrey J. Burrow and Shannon Bumgarner, Intervenor are each entitled to access to any day care center that now or may, in the future, attended by the child and to which the parties of the child legally are provided access.

E. School Activities Notice. Pursuant to Ohio Revised Code Section 3109.051(J), the parties hereto are hereby notified as follows:

Subject to ORC Section 3319.321, Jeffrey J. Burrow and Shannon Bumgarner, Intervenor are each entitled to access to any student activity that is related to the child and to which the parties of the child legally are provided access. Any such school official or employee who knowingly fails to comply with this Order is in contempt of court.



Rose K. Varge McFarland

#0081404

Attorney for Plaintiff,

Jeffrey J. Burrow



Jeffrey J. Burrow, Plaintiff



Shannon Bumgarner, Intervenor

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