

STATE OF OHIO)
)SS:
CUYAHOGA COUNTY)

IN THE COURT OF COMMON PLEAS
CASE NO. 484523

BROADVIEW MULTI-CARE CENTER)
)
 Plaintiff)
)
 vs.)
)
 CLAUDE MEADE, et al.)
)
 Defendants)

OPINION AND ORDER

MICHAEL J. RUSSO, JUDGE:

This Court conducted a bench trial on October 3, 2003. Stipulations were submitted and testimony was given by Ann Rojas and Christine Meade. For the following reasons, the Court finds in favor of Plaintiff Broadview Multi-Care Center and against Defendant Christine Meade.

Defendant Claude Meade is a resident of Plaintiff Broadview Multi-Care Center and the husband of Defendant Christine Meade. Mr. Meade became a resident at the Plaintiff's facility in May 2000 following a stroke, which left him paralyzed. The Plaintiff claims Defendant Christine Meade is indebted to it pursuant to Ohio Revised Code §3103.03. (Complaint paragraph 3). R.C. §3103.01 provides that spouses owe one another an obligation of support. R.C. §3103.03 sets forth the parameters of the support owed as follows:

- (A) Each married person must support himself or herself and his or her spouse out of his or her property or by his or her labor. If a married person is unable to do so, the spouse of the married person must assist in the support so far as the spouse

is able.

The application of this statute has repeatedly been upheld. *Ohio State University Hospital v. Kinkaid* (1990), 48 Ohio St.3d 78 and *Fulton Cty. Health Ctr. v. Underwood* (1995), 100 Ohio App.3d 451.

The evidence demonstrates, and the parties do not dispute, that Mr. Meade is unable to support himself. Mrs. Meade testified that her husband is paralyzed. The relevant inquiry of this trial thus is the extent to which Mrs. Meade is “able to pay.” At trial, Mrs. Meade admitted that her husband received the services provided by Plaintiff Broadview Multi-Care Center and she admitted that a debt is owed. Further evidencing her obligation to pay is the fact that she made some payments in the amount of \$12.00 per month. She also testified that she is not able to pay because in March 2003 she lost her job as a housekeeper at Parma Hospital. While the Court is not unsympathetic to Mrs. Meade’s situation, no testimony was given that she is disabled or unable to work. Furthermore, she owns an asset - a house that is appraised by the County Auditor at \$60,700.00. (Stipulations 1 & 2). Thus, Mrs. Meade has the ability to find employment or to encumber her dwelling in order to satisfy the debt. In addition, Mrs. Meade received money from Social Security that was to pay for her husband's initial care, which she did not utilize to satisfy this obligation, although she was aware of the debt.

Based upon all of the foregoing, the Court finds that Defendant Claude Meade is unable to pay for his support and that Defendant Christine Meade is able to pay; thus, she is liable to the Plaintiff for providing necessary services to her husband. Judgment is hereby rendered in favor of Plaintiff and against Defendant Christine Meade in the amount of \$11,834.44, with interest hereafter at the rate of 10% per annum.

IT IS SO ORDERED.

Date: _____ 2003

MICHAEL J. RUSSO, JUDGE

CERTIFICATE OF SERVICE

A copy of the foregoing **Opinion and Order** has been sent by regular mail this ____ day of

October, 2003 to:

Scott S. Weltman, Esq.
323 Lakeside Avenue, West
Lakeside Place, Suite 200
Cleveland, Ohio 44113
Attorney for Plaintiff

and

Karla Perry, Esq.
1223 W. 6th Street
Cleveland, Ohio 44113
Attorney for Defendant

MICHAEL J. RUSSO, JUDGE