

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

In re S.B.

2026-Ohio-1201 · No. 115670 · Decided April 2, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the trial court’s designation of Mother as the residential parent and legal custodian of S.B. The court held that the trial court did not abuse its discretion in determining that shared parenting was not in the child’s best interest, given the parents’ inability to communicate effectively and their conflicts regarding parenting. The court disregarded the remaining assignments of error because Father’s appellate brief did not comply with App.R. 16 and App.R. 12.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Kathleen Ann Keough; Emmanuella D. Groves; Anita Laster Mays
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	April 2, 2026
DOCKET	115670
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from a juvenile division judgment allocating parental rights and responsibilities, designating Mother as the child's residential parent and legal custodian, and declining to order shared parenting.
STANDARD OF REVIEW	A trial court's custody determination is reviewed for abuse of discretion. The appellate court accords the trial court's custody determination the utmost respect because the trial court observes the witnesses and parties directly.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	M.B., Father v. I.M., Mother

TOPICS

- child custody
- family law procedure
- standard of review
- appellate procedure
- parental rights

PRACTICE AREAS

Family law

Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by determining that shared parenting was not in S.B.'s best interest and by designating Mother as the residential parent and legal custodian.
2. Whether the appellate court should consider Father's assignments of error when his brief failed to identify record support and separately argue the assignments as required by App.R. 16(A)(3) and (7).
3. Whether the trial court improperly approved or otherwise erred regarding Mother's potential relocation to Georgia.

HOLDINGS

1. The court may disregard assignments of error when an appellant's brief fails to comply with App.R. 16(A)(3) and (7), and it disregarded Father's second, third, fourth, fifth, and seventh assignments of error for that reason.
2. The trial court did not abuse its discretion by determining that shared parenting was not in S.B.'s best interest and by designating Mother as the residential parent and legal custodian.
3. Father failed to demonstrate that the trial court abused its discretion in connection with the relocation-related issue, and the sixth assignment of error was overruled.

KEY QUOTATIONS

"It has long been a recognized rule of law that for a reviewing court to overturn a trial court's determination of custody, the appellate court must find that the trial court abused its discretion."

"The discretion which a trial court enjoys in custody matters should be accorded the utmost respect, given the nature of the proceeding and the impact the court's determination will have on the lives of the parties concerned."

"The knowledge a trial court gains through observing the witnesses and the parties in a custody proceeding cannot be conveyed to a reviewing court by a printed record."

"Accordingly, we cannot say that the trial court abused its discretion in selecting Mother as the residential parent and legal custodian."

FACTUAL BACKGROUND

Father and Mother had a young daughter, S.B., and both parents were suitable, loving, and involved in her care. Although both initially expressed support for shared parenting, the parents had significant conflict, communicated poorly, and repeatedly disputed parenting-time arrangements. The guardian ad litem initially recommended shared parenting but changed that recommendation after observing the parents' interactions during the two-day trial, concluding that they could not communicate in the child's best interest. Mother had considered relocating to Atlanta, where the child was born and where Mother believed the child would have better

opportunities, but the appellate court reviewed the custody designation rather than deciding a separate relocation issue.

PROCEDURAL HISTORY

Father filed applications for shared parenting and custody in the Cuyahoga County Court of Common Pleas, Juvenile Division. After a trial, a magistrate issued a decision that the trial court adopted over Father's objections on September 24, 2025. The trial court found that the parents were not amenable to shared parenting and designated Mother as the residential parent and legal custodian. Father appealed, and the Court of Appeals addressed his first and sixth assignments of error while disregarding the remaining assignments for briefing noncompliance.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Fuller v. Mengel, 2003-Ohio-6448, ¶ 10
- Sabouri v. Ohio Dept. of Job & Family Servs., 145 Ohio App.3d 651, 654 (10th Dist. 2001)
- In re Z.C., 2023-Ohio-4703, ¶ 12
- Masters v. Masters, 69 Ohio St.3d 83, 85 (1994)
- Miller v. Miller, 37 Ohio St.3d 71, 74 (1988)
- Trickey v. Trickey, 158 Ohio St. 9, 13 (1952)