

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

In re A.D. and A.B.-S.D.

2026-Ohio-2202 · No. C.A. No. 30642 · Decided June 12, 2026

SUMMARY

The Second District Court of Appeals of Ohio affirmed orders awarding Mother legal custody of two children and granting Father parenting time. The court rejected Father’s claims concerning parental fitness, gender-based presumptions, supervised visitation, due process, inadequate factual findings, and the lack of transcripts. Because Father failed to object to the magistrate’s decision or provide transcripts, the court applied plain-error review and found no reversible error.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Michael L. Tucker; Jenna Epley; Hanseman
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	June 12, 2026
DOCKET	C.A. No. 30642
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from orders of the Montgomery County Common Pleas Court, Juvenile Division, adopting a magistrate's decision that awarded Mother legal custody of the parties' two children and awarded Father parenting time.
STANDARD OF REVIEW	Because Father did not object to the magistrate's decision, the court applied plain-error review under Juv.R. 40(D)(3)(b)(iv). In civil appeals, plain error is disfavored and applies only in the extremely rare case involving exceptional circumstances that seriously affect the fairness, integrity, or public reputation of the judicial process. The court also declined to evaluate factual issues requiring a transcript because Father failed to provide one.
PRECEDENTIAL VALUE	Published Ohio appellate opinion

TOPICS

child custody

family law procedure

appellate procedure

preservation of error

standard of review

PRACTICE AREAS

family law

appellate procedure

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the trial court committed plain error by awarding Mother legal custody and Father parenting time without finding Father unfit or finding that the children would be harmed by maintaining a relationship with him.
2. Whether the trial court improperly presumed that Mother was a better legal custodian based on gender.
3. Whether the absence of transcripts or an adequate statement of evidence deprived Father of meaningful appellate review.
4. Whether the trial court unlawfully conditioned Father's parenting time on participation in a private supervised-visitation program.
5. Whether the trial court improperly adopted a magistrate's decision without sufficient factual findings.

HOLDINGS

1. The trial court did not commit plain error by awarding Mother legal custody and granting Father parenting time without finding Father unfit or finding a potential for harm to the children. An initial allocation of parental rights and responsibilities is governed by the children's best interests, and absent shared parenting legal custody must be allocated to one parent.
2. The trial court did not improperly presume that Mother would be a better legal custodian based on her gender.
3. Father was not deprived of meaningful appellate review by the absence of transcripts because any impairment resulted from his failure to complete the steps necessary to have the transcripts filed and his failure to follow the App.R. 9(C) procedure.
4. The record did not show that the trial court ordered 48 hours of supervised parenting time or otherwise conditioned Father's parenting time on participation in a private supervised-visitation program. The order required only that exchanges occur at Erma's House.
5. The trial court did not commit plain error by adopting the magistrate's decision without more specific findings of fact.

KEY QUOTATIONS

"[I]n appeals of civil cases, the plain error doctrine is not favored and may be applied only in the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court,

seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself.” (¶ 9)

“Under R.C. 3109.042, a trial court making an initial allocation of parental rights and responsibilities “shall treat the mother and father as standing upon an equality when making the designation” of a legal custodian.” (¶ 13)

FACTUAL BACKGROUND

The parties' two children were born in 2022 and 2023. After a multi-day hearing, the magistrate found that awarding Mother legal custody was in the children's best interest and awarded Father parenting time every other weekend, with exchanges at Erma's House because of the parties' highly contentious relationship and reported problems during prior exchanges. Father challenged the custody allocation, the exchange condition, the absence of findings regarding parental unfitness or harm, and the adequacy of the appellate record.

PROCEDURAL HISTORY

Father filed separate complaints seeking an initial allocation of parental rights and responsibilities for the parties' two children. Following a multi-day hearing, the magistrate designated Mother as legal custodian and awarded Father parenting time with exchanges at Erma's House. The trial court adopted the magistrate's decision. Father did not request findings of fact or conclusions of law and did not file objections; on appeal, he also failed to cause the requested transcripts to be filed or follow the proper App.R. 9(C) procedure.

DISPOSITION

affirmed

CASES CITED

- In re A.J.S. & R.S., 2007-Ohio-3433, ¶ 16 (2d Dist.)
- Marshall v. Marshall, 2025-Ohio-4392, ¶ 15 (2d Dist.)