

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

In re J.U.

2026-Ohio-34 · No. 114400 · Decided January 8, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed a juvenile court judgment awarding the paternal grandparents limited companionship rights with the minor child. The court held that the juvenile court’s order was a final appealable order, that the court independently reviewed the magistrate’s decision under Juv.R. 40(D), and that the limited virtual companionship schedule was in the child’s best interest. The court also addressed the requirement to give special weight to a fit parent’s wishes under *Troxel v. Granville*.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Anita Laster Mays; Eileen A. Gallagher; Emmanuella D. Groves
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	January 8, 2026
DOCKET	114400
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the juvenile court's September 11, 2024 judgment overruling in part and sustaining in part her objections to a magistrate's decision and awarding the paternal grandparents limited companionship rights with the child.
STANDARD OF REVIEW	Whether an order is final and appealable is reviewed de novo. After the trial court satisfies Ohio Juvenile Rule 40(D), the judgment is reviewed for abuse of discretion; reversal requires a showing that the decision was arbitrary, unreasonable, or unconscionable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	L.U., Mother v. L.H. and J.H., paternal grandparents, J.R., Father

TOPICS

- grandparent rights
- visitation
- final judgment rule
- appellate procedure
- constitutional law

PRACTICE AREAS

family law

juvenile law

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the juvenile court's September 11, 2024 judgment was a final appealable order under Ohio Revised Code § 2505.02.
2. Whether the juvenile court independently reviewed the magistrate's decision as required by Ohio Juvenile Rule 40(D)(4).
3. Whether the juvenile court abused its discretion by awarding the grandparents limited companionship after considering the child's best interest, the statutory factors, and the fit mother's wishes and concerns under *Troxel v. Granville*.

HOLDINGS

1. An order resolving a statutory companionship action under Ohio Revised Code § 3109.12 is a final appealable order under Ohio Revised Code § 2505.02(B)(2) when it fully disposes of the grandparents' request and affects the parent's substantial constitutional right to the care, custody, and control of the child.
2. A juvenile court satisfies Ohio Juvenile Rule 40(D)(4)'s independent-review requirement when the record demonstrates that it independently evaluated the objected-to factual and legal issues and exercised its own judgment rather than merely rubber-stamping the magistrate's decision.
3. The juvenile court did not abuse its discretion by awarding limited, structured virtual companionship to the grandparents because it considered the child's best interest, relevant statutory factors, and gave appropriate special weight to the fit mother's wishes and concerns.

KEY QUOTATIONS

“The question is not whether the trial court used particular words, but whether the record demonstrates that the court exercised independent judgment rather than merely “rubber-stamping” the magistrate’s decision.” (¶ 17)

“Because the record supports the trial court’s best-interest determination and reflects appropriate deference to mother’s constitutional rights, the court did not abuse its discretion in granting the limited virtual companionship time.” (¶ 25)

FACTUAL BACKGROUND

The child is the biological son of Mother and Father. After Mother discovered that Father possessed unconsented sexual photographs of children from a prior relationship, the parents separated, and Father was convicted and imprisoned for those offenses. The paternal grandparents had previously maintained a close relationship with the child, but that relationship ceased after Father's criminal charges. Following a hearing, the juvenile court awarded the grandparents limited, structured virtual or telephone companionship, prohibited discussion of Father during the visits, and directed that the child receive individual therapy.

PROCEDURAL HISTORY

The paternal grandparents filed a complaint under Ohio Revised Code § 3109.12 seeking companionship time. After a two-day hearing, the magistrate awarded biweekly contact, and Mother filed timely objections. The juvenile court independently reviewed the matter, modified and adopted the magistrate's decision, and entered judgment awarding one thirty-minute virtual or telephone session every other week, with additional restrictions and therapeutic conditions. Mother appealed, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- *Rae-Ann Suburban, Inc. v. Wolfe*, 2019-Ohio-1451, ¶ 9 (8th Dist.)
- *Chef Italiano Corp. v. Kent State Univ.*, 44 Ohio St.3d 86, 88 (1989)
- *In re A.C.*, 2019-Ohio-5127, ¶ 18 (8th Dist.)
- *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983)
- *In re Flynn*, 2021-Ohio-4456, ¶ 15 (10th Dist.)
- *In re A.B.*, 2016-Ohio-2891, ¶ 39 (12th Dist.)
- *E.A.K.M. v. M.A.M.*, 2025-Ohio-2946, ¶ 13
- *In re Murray*, 52 Ohio St.3d 155, 157 (1990)
- *Davis v. Nathaniel*, 2022-Ohio-751, ¶ 8
- *State ex rel. Jones v. Paschke*, 2024-Ohio-135, ¶ 14
- *In re Gibson*, 61 Ohio St.3d 168, 171 (1991)
- *In re A.M.S.*, 2019-Ohio-3181, ¶ 28 (8th Dist.)
- *In re T.S.*, 2018-Ohio-49, ¶ 9 (4th Dist.)
- *Troxel v. Granville*, 530 U.S. 57 (2000)
- *In re C.W.*, 2020-Ohio-2660, ¶ 15 (9th Dist.)