

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

S.W. v. D.R.

2026-Ohio-1632 · No. L-25-00158 · Decided May 5, 2026

SUMMARY

The Sixth District Court of Appeals affirmed the denial of S.W.'s motion to renew a domestic violence civil protection order and motion to show cause against D.R. The court held that S.W. failed to prove by a preponderance of the evidence that D.R. committed a new act of domestic violence or threatened domestic violence, and that any challenge to the trial court's consideration of facts from the parties' domestic-relations litigation was invited error.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Myron C. Duhart; Thomas J. Osowik, P.J.; Christine E. Mayle, J.; Myron C. Duhart, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	May 5, 2026
DOCKET	L-25-00158
DISPOSITION	affirmed
PROCEDURAL POSTURE	S.W. appealed the Lucas County Common Pleas Court, Domestic Relations Division's denial of her motion to renew a domestic violence civil protection order and dismissal of her motion to show cause.
STANDARD OF REVIEW	The issuance or denial of a domestic violence civil protection order is reviewed under the manifest-weight-of-the-evidence standard. The appellate court will not reverse if the decision is supported by some competent, credible evidence going to all essential elements, and it presumes the validity of factual findings because the trial court is best positioned to observe witnesses and assess credibility.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	S.W. v. D.R.

TOPICS

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QUESTIONS PRESENTED

1. Whether the trial court's denial of renewal of the domestic violence civil protection order was against the manifest weight of the evidence.
2. Whether the trial court improperly relied on facts from the parties' divorce litigation in denying renewal of the domestic violence civil protection order.
3. Whether S.W. established the new domestic violence or threat of domestic violence required to renew the protection order.

HOLDINGS

1. S.W. invited any alleged error concerning the trial court's consideration of facts from the parties' domestic-relations case because her attorney asked the court to take judicial notice of that case and stipulated that the divorce judgment and its contents could be considered.
2. Renewal of a domestic violence civil protection order requires a new finding of domestic violence or a threat of domestic violence occurring after the acts supporting the initial order.
3. The denial of renewal was not against the manifest weight of the evidence because the trial court reasonably found that S.W. failed to prove by a preponderance of the evidence that D.R. committed domestic violence or threatened domestic violence, including because the alleged statement was not shown to have been directed at S.W.

KEY QUOTATIONS

“Renewal of such a protection order requires ‘a new finding of domestic violence, or threat thereof ... to justify issuance of what amount[s] to an effectively new [protection order].’” (¶ 16)

“We find that the trial court’s decision to deny S.W.’s request to renew the DVCPO is supported by some competent, credible evidence and is not against the manifest weight of the evidence.” (¶ 24)

FACTUAL BACKGROUND

S.W. and D.R. were divorced and had two minor children. A domestic violence civil protection order had been issued against D.R. through March 25, 2025, based on prior incidents including assault, pushing, and choking. S.W. alleged that D.R. threatened to kill her after a June 2024 court hearing and sought renewal of the order, relying also on prior conduct, co-parenting conflicts, and other allegedly threatening behavior. At the renewal hearing, S.W. testified about the threat, while D.R.'s attorney testified that he heard a conversation but not a threat directed to S.W.

PROCEDURAL HISTORY

S.W. and D.R. were divorced in 2022. A domestic violence civil protection order was issued against D.R. in December 2022. After an alleged threat in June 2024, S.W. moved to show cause and later moved to renew the protection order. Following an April 2025 hearing, the trial court denied renewal and dismissed the contempt motion. The Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Rosas, 2025-Ohio-5022, ¶ 31 (6th Dist.)
- Davis v. Wolfe, 2001-Ohio-1281
- K.H. v. P.M., 2025-Ohio-263, ¶¶ 74, 81 (6th Dist.)
- J.F. v. Twining, 2025-Ohio-5823, ¶ 32 (6th Dist.)
- Smith v. Strong, 2017-Ohio-6918, ¶ 16 (6th Dist.)
- Sotnyk v. Guillenno, 2014-Ohio-3514, ¶ 4 (6th Dist.)
- Spaulding v. Spaulding, 2021-Ohio-533, ¶ 9 (6th Dist.)
- Lundin v. Niepsuj, 2017-Ohio-7153, ¶ 18 (9th Dist.)
- Felton v. Felton, 79 Ohio St.3d 34, paragraph two of the syllabus (1997)
- Seasons Coal Co., Inc. v. City of Cleveland, 10 Ohio St.3d 77, 80 (1984)