

OHIO COURT OF APPEALS, TWELFTH APPELLATE DISTRICT

Via v. Boyle

2026-Ohio-310 · No. CA2025-04-005 · Decided February 2, 2026

SUMMARY

The Ohio Court of Appeals, Twelfth Appellate District, affirmed a trial court decision terminating the parties' shared-parenting plan, designating the father as residential parent and sole legal custodian, and ordering the mother to pay child support. The court held that the custody modification was based on communication failures and practical difficulties rather than impermissible consideration of the mother's religious beliefs. It also upheld the imputation of income to the voluntarily unemployed mother for child-support purposes.

CASE DETAILS

COURT	Ohio Court of Appeals, Twelfth Appellate District
WRITING FOR THE COURT	Mike Powell; Robin N. Piper, Presiding Judge; Mike Powell, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District
DECIDED	February 2, 2026
DOCKET	CA2025-04-005
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed from the trial court's judgment overruling her objections to a magistrate's decision that terminated shared parenting, designated Father as the child's residential parent and sole legal custodian, established parenting time for Mother, and imputed \$70,000 in annual income to Mother for child-support purposes.
STANDARD OF REVIEW	Constitutional questions are reviewed de novo, while underlying custody, child-support, and guardian-ad-litem adequacy determinations are reviewed for abuse of discretion. A custody or child-support decision is not an abuse of discretion unless it is unreasonable, arbitrary, or unconscionable.
PRECEDENTIAL VALUE	published
PARTIES	Tosh (Via) Boyle v. Josh Via

TOPICS

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QUESTIONS PRESENTED

1. Whether the trial court violated Mother's First and Fourteenth Amendment rights by considering her religious practices in modifying custody.
2. Whether the trial court abused its discretion by finding Mother voluntarily unemployed and imputing \$70,000 in annual income for child-support purposes.
3. Whether the trial court erred by relying on a guardian ad litem report despite alleged noncompliance with Sup.R. 48.03 and alleged disclosure of protected medical information.

HOLDINGS

1. The custody modification did not violate Mother's First or Fourteenth Amendment rights because it was based on her failure to communicate and cooperate with Father regarding decisions affecting the child, together with other practical and parenting concerns, rather than on the content of her religious beliefs or practices.
2. The trial court did not abuse its discretion by expressly finding Mother voluntarily unemployed and imputing \$70,000 in annual income. Mother's own testimony established her earning capacity and voluntary decision to leave employment, while her failure to seek alternative employment or preserve earning capacity supported the finding that she lacked an objectively reasonable basis focused on the child's interests.
3. The alleged deficiencies in the guardian ad litem's investigation did not require reversal. Superintendence Rule 48 provides administrative guidance rather than enforceable procedural rights, and the GAL's failure to conduct an in-person home visit or observe the child with Mother did not render the trial court's reliance on the report an abuse of discretion because the GAL gathered substantial information through other means and the custody decision rested on the totality of the evidence.

KEY QUOTATIONS

"A parent may not be denied custody on the basis of religious practices unless there is probative evidence that those practices will adversely affect the mental or physical health of the child." (¶ 21)

"the plain language of R.C. 3119.01(C)(18) requires that the domestic-relations court's order include an express determination of voluntary unemployment as a condition precedent to imputing potential income for child-support-calculation purposes." (¶ 54)

"Superintendence Rules "are administrative directives only and are not intended to function as rules of practice and procedure."" (¶ 102)

FACTUAL BACKGROUND

Mother and Father are divorced parents of a child born in 2016 who initially shared equal parenting time. Mother relocated repeatedly and ultimately moved to Indiana after remarrying, creating a substantial commute to the child's Ohio school and disrupting the shared-parenting arrangement. Mother also made unilateral changes concerning holiday practices and sought to alter communications and schooling without adequately consulting Father. She later voluntarily left employment paying approximately \$70,000 to \$80,000 annually, made no documented effort to obtain other employment, and became financially dependent on her new husband.

PROCEDURAL HISTORY

The parties' marriage was dissolved in 2019, and the trial court approved a shared-parenting plan. After Mother's relocation to Indiana, disputes concerning parenting, schooling, religious practices, communication, and child support arose. Father moved to modify the shared-parenting plan and child support; after a magistrate's hearing and decision, the trial court overruled Mother's objections and adopted the decision. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Pater v. Pater, 63 Ohio St.3d 393 (1992)
- Wisconsin v. Yoder, 406 U.S. 205 (1972)
- Palmore v. Sidoti, 466 U.S. 429, 433 (1984)
- Suwareh v. Nwankwo, 2018-Ohio-3737, ¶ 29 (12th Dist.)
- deLevie v. deLevie, 86 Ohio App.3d 531, 541 (10th Dist. 1993)
- Tsolumba v. Tsolumba, 1995 WL 366378 (9th Dist. June 21, 1995)
- Grover v. Dourson, 2019-Ohio-2495, ¶ 15 (12th Dist.)
- Rock v. Cabral, 67 Ohio St.3d 108, 110 (1993)
- Justice v. Justice, 2007-Ohio-5186, ¶ 7 (12th Dist.)
- Mann v. Muktarian, 2025-Ohio-4404, ¶ 9 (12th Dist.)
- Bonifield v. Bonifield, 2021-Ohio-95, ¶ 11 (12th Dist.)
- Nwafo v. Ugwualor, 2024-Ohio-189, ¶ 11 (12th Dist.)
- Ayers v. Ayers, 2024-Ohio-1833, ¶¶ 1, 19, 21
- Graham v. Graham, 2020-Ohio-1435, ¶ 9 (3d Dist.)
- Aldo v. Angle, 2010-Ohio-2008, ¶ 35 (2d Dist.)
- Page v. Page, 2022-Ohio-411, ¶ 41 (2d Dist.)
- Harper v. Harper, 2002 WL 1938319, *3 (10th Dist. Aug. 22, 2002)
- Ketchum v. Coleman, 2014-Ohio-858, ¶¶ 11, 17-18 (2d Dist.)
- Woloch v. Foster, 98 Ohio App.3d 806, 811 (2d Dist. 1994)
- Palmer v. Palmer, 1995 WL 396509, *3 (2d Dist. June 14, 1995)

- Koogler v. Koogler, 1997 WL 435691, *3, *10 (2d Dist. July 18, 1997)
- Shank v. Shank, 122 Ohio App.3d 189 (3d Dist. 1997)
- Reese v. Reese, 2019-Ohio-2810, ¶ 18 (1st Dist.)
- Cummin v. Cummin, 2015-Ohio-5482, ¶ 20 (4th Dist.)
- McLaughlin v. Kessler, 2012-Ohio-3317 (12th Dist.)
- Boltz v. Boltz, 31 Ohio App.3d 214 (3d Dist. 1986)
- Pettit v. Pettit, 2012-Ohio-1801 (12th Dist.)
- In re A.M., 2023-Ohio-1523, ¶ 15 (12th Dist.)

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